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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Attentive to Your word, O Lord, and waiting for You to fulfill Your promises, we pray with the psalmist of old:

''When I call, answer me, O God of justice. From anguish, You release me. Have mercy and hear me. My people, how long will your hearts be closed, will you love what is futile and seek what is false? It is the Lord who grants favors to those whom he loves; the Lord hears when we call upon Him. Fear Him; do not sin. Ponder His faithfulness and be still. Make justice your sacrifice, and trust in the Lord, both now and forever.''

Amen.

NOTICE

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. CUELLAR) come forward and lead the House in the Pledge of Allegiance.

Mr. CUELLAR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

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H.R. 4602. An act to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office''.

H.R. 5133. An act to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''.

H.R. 5605. An act to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office''.

H.R. 5606. An act to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the ''James M. 'Jimmy' Stewart Post Office Building''.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office''.

H.R. 5877. An act to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building''.

H.R. 6400. An act to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office''.

H.R. 6392. An act to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the ''Colonel George Juskalian Post Office Building''.

The message also announced that the Senate has passed with an amendment a bill of the House of the following title in which the concurrence of the House is requested:

H.R. 2142. An act to require quarterly performance assessments of Government programs for purposes of assessing agency performance and improvement, and to establish agency performance improvement officers and the Performance Improvement Council.

The message also announced that the Senate has passed with amendments bills of the House of the following titles in which the concurrence of the House is requested:

H.R. 5809. An act to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3592. An act to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the ''First Lieutenant Robert Wilson Collins Post Office Building''.

S. 3874. An act to amend the Safe Drinking Water Act to reduce lead in drinking water.

S. 4036. An act to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute from each side of the aisle.

DREAM ACT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. This week our colleagues in the Senate have an opportunity to straighten our future economy and create equal opportunity for America's young people. By recognizing students who want to contribute through military service or higher education, the American DREAM Act has a positive impact on all of us; and if we remember the Ten Commandants, honor thy father and mother, many of these children came to the United States out of respect for their parents. They had no choice and they are here. They deserve an opportunity to have the same that other students have by attending our schools, going on to college, and then they also pray in a lot of our churches. They deserve the same opportunities that others have.

We all know that the DREAM Act is one piece of a larger reform that is needed to fix our broken immigration system, but it is a critical first step. I urge the Senate to pass the DREAM Act as soon as possible so that the President can act quickly to sign the bill into law and give many of our students an opportunity to have the opportunity that many others have had in this country.

VETOING THE OMNIBUS BILL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, at a time when Americans are worried about the state of the economy, the Senate tried to push a reckless $1.1 trillion spending bill. The omnibus bill contained over 6,000 earmarks costing taxpayers close to $8 billion. The 2,000-page bill took over 2 days to print. I agree with Speaker-elect JOHN BOEHNER's statement: ''This bill represents exactly what the American people have rejected: more spending, more earmarks, and more big government.''

Senate liberals tried to bulldoze this legislation with pork-filled spending. For example, $1.8 million to study swine odor and manure management in Ames, Iowa; $2.19 million for the Center for Grape Genetics in New York; $1.76 million for a honey bee lab in Texas.

Withdrawing the bill shows the people can make a difference thanks to the Tea Party activists and radio talk show hosts such as Mark Levin.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

MIDDLE CLASS RELIEF IN TAX PACKAGE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, last night, the House finally passed on a bipartisan basis and sent to the President a middle class tax relief package which also included extended unemployment insurance. For the middle class, it provides tax relief of $1,500 for a typical working family with income up to $75,000; $1,000 for income at $50,000; and $500 for incomes of $25,000. It also includes extended unemployment insurance, a 13-month extension of Federal support for 99 weeks of unemployment insurance for laid-off workers.

The package also includes the child tax credit, extends the child tax credit for 2 years. It's worth about $1,000, doubled from $500 for qualifying children under the age of 17. And a payroll tax cut creates a $120 billion payroll tax cut that's worth about $1,400 for the average New Jersey household of $71,000 in average income. Alternative minimum tax relief, earned income tax credit, higher education tax credit to help afford sending your children to college, and also tax cuts for business investment, basically allowing businesses to expense all of their qualified investments in 2011.

I think it was very important that we passed this, Mr. Speaker. I'm glad it's now going to the President.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

FIRST LIEUTENANT ROBERT WILSON COLLINS POST OFFICE BUILDING

Mr. CUELLAR. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3592) to designate the facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, as the ''First Lieutenant Robert Wilson Collins Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3592

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FIRST LIEUTENANT ROBERT WILSON COLLINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Commerce Drive in Tyrone, Georgia, shall be known and designated as the ''First Lieutenant Robert Wilson Collins Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''First Lieutenant Robert Wilson Collins Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from South Carolina (Mr. WILSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I'm pleased to present S. 3592, legislation that designates the United States Postal Service facility located at 100 Commerce Drive, Tyrone, Georgia, as the First Lieutenant Robert Wilson Collins Post Office Building.

Introduced by Senator SAXBY CHAMBLISS of Georgia, S. 3592 passed the Senate unanimously yesterday, December 16, 2010.

Mr. Speaker, First Lieutenant Robert Wilson Collins was assigned to the 1st Battalion, 64th Armor Regiment, 2nd Brigade Combat Team, out of Fort Stewart, Georgia. A class of 2008 graduate of West Point, Lieutenant Collins deployed in support of Operation Iraqi Freedom in the fall of 2009 and served as a platoon leader while his unit provided support during the national elections in Iraq.

□ 0910

Understanding the importance of maintaining the morale of the unit's soldiers and keeping them connected to family and friends at home, Lieutenant Collins maintained a Facebook page for the unit, allowing the unit to share photos and messages with loved ones.

Sadly, on April 7, 2010, Lieutenant Collins was killed when enemy forces attacked his vehicle with an improvised explosive device in Mosul, Iraq. He was 24 years of age.

Lieutenant Collins is survived by his parents, Retired Lieutenant Colonels Deacon and Sharon Collins, and Nicolle, his childhood sweetheart and girlfriend of 8 years.

Mr. Speaker, let us pay tribute to the life and service of First Lieutenant Robert Wilson Collins by designating this postal facility on Commerce Drive in Tyrone, Georgia, his home town.

I ask my colleagues to join me in supporting Senate bill 3592, and I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

I am very honored to join in with my colleague Congressman CUELLAR in support of this legislation which was introduced by Senator SAXBY CHAMBLISS. I know that it has been championed by Congressman LYNN WESTMORELAND.

I particularly have an interest in recognizing Lieutenant Collins. I am very grateful, myself, to be the son of a Flying Tiger. I am very grateful to have served for 31 years in the Army Guard and Reserve. In fact, I was stationed many summers at Fort Stewart, Georgia, so I identify with the 3rd Infantry Division. I am particularly grateful that I have four sons currently serving in the military. Two of my sons have served in Iraq. And so I know the great efforts of our troops and the sacrifices of military families.

His obituary truly indicates an extraordinary young person:

''First Lieutenant Robert Wilson Collins of Tyrone, Georgia, was killed in action on April 7, 2010, in Iraq in support of Operation Iraqi Freedom. First Lieutenant Collins was born in 1985 in Red Bank, New Jersey, and graduated from Sandy Creek High School, class of 2004. After high school, he graduated from the United States Military Academy at West Point, New York, class of 2008. First Lieutenant Collins was the first member of the United States Military Academy class of 2008 to die in combat. He was serving as a platoon leader in B Company, 1–64 Armor Battalion, 2nd Brigade Combat Team, 3rd Infantry Division.

''He is survived by his parents, Lieutenant Colonel Retired Burkitt Deacon Collins and Lieutenant Colonel Retired Sharon L.G. Collins of Tyrone, Georgia; paternal grandmother, Susan R. Collins of Laurel, Mississippi; aunts, Susan D. Groff of Lancaster, Pennsylvania; Mary Margaret Anderson and her husband Robert Earl of Ellisville, Mississippi; and Susan G. Stringfellow of Purvis, Mississippi; childhood sweetheart and girlfriend of 8 years, Nicolle Williams of Tyrone, Georgia; best friend, Andrew Gardner of Miami, Florida; his band of brothers: First Lieutenant Andrew Collins, First Lieutenant Sean Flachs, First Lieutenant Tim Konze, First Lieutenant Dan McLeod, Greg Maduro, First Lieutenant Phil Raquepau, and First Lieutenant Clifford Walker; battle buddy, First Lieutenant John F. Parsons; and numerous friends, extended family members, and comrades in arms.''

Funeral services were held April 17 at New Hope Baptist Church at 10 o'clock, and it was conducted by Rev. Scott Pickering, Dr. Rick Long, and Chaplain Lieutenant Colonel Mark Fairbrother officiating. Interment followed at Forest Lawn Memorial Park in Newnan, Georgia. And in lieu of flowers, there was a request for donations to the First Lieutenant Robert Wilson Collins Patriot Spirit Scholarship, care of Bank of Georgia, 100 Westpark Drive, Peachtree City, Georgia 30269.

Again, certainly the obituary, knowing that this was such an extraordinary young person, protecting our country by defeating the terrorists overseas, I am honored to join in urging support of the legislation.

[From the Times-Herald.com, April 15, 2010]

1LT ROBERT WILSON COLLINS

1LT Robert Wilson Collins of Tyrone, GA, was killed in action on April 7, 2010, in Iraq in support of Operation Iraqi Freedom. 1LT Collins was born in 1985 in Red Bank, NJ, and graduated from Sandy Creek High School, Class of 2004. After high school he graduated from The United States Military Academy at West Point, NY, Class of 2008. 1LT Collins was the first member of the USMA Class of 2008 to die in combat. He was serving as a Platoon Leader in B Company, 1–64 Armor Battalion, 2nd Brigade Combat Team, 3rd Infantry Division.

He is survived by his parents, LTC (RET) Burkitt (Deacon) Collins and LTC (RET) Sharon L.G. Collins of Tyrone, GA; paternal grandmother, Susan R. Collins of Laurel, MS; aunts, Susan D. Groff of Lancaster, PA; Mary Margaret Anderson and her husband Robert Earl of Ellisville, MS; and Susan G. Stringfellow of Purvis, MS; childhood sweetheart and girlfriend of 8 years, Nicolle Williams of Tyrone, GA; best friend, Andrew Gardner of Miami, FL; his Band of Brothers: 1LT Andrew Collins, 1LT Sean Flachs, 1LT Tim Konze, 1LT Dan McLeod, Greg Maduro, 1LT Phil Raquepau and 1LT Clifford Walker; Battle Buddy, 1LT John F. Parsons; and numerous friends, extended family members, and Comrades in Arms.

Funeral services will be held Saturday, April 17 at New Hope Baptist Church (North Campus) at 10 o'clock with Rev. Scott Pickering, Dr. Rick Long, and Chaplain LTC Mark E. Fairbrother officiating. Interment to follow at Forest Lawn Memorial Park in Newnan. In lieu of flowers those desiring may make donations to the 1LT Robert Wilson Collins Patriot Spirit Scholarship, c/o Bank of Georgia, 100 Westpark Drive, Peachtree City, GA 30269. Those wishing can make an online condolence at www.parrottfuneralhome.com.

The family will receive friends Friday evening from 5 until 8 p.m. at Parrott Funeral Home and Crematory in Fairburn, GA.

Mr. WILSON of South Carolina. I yield back the balance of my time.

Mr. CUELLAR. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and pass the bill, S. 3592.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUELLAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING MARK TWAIN AS AN AMERICAN LITERARY ICON

Mr. CUELLAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1733) recognizing

Mark Twain as one of America's most famous literary icons on the 175th anniversary of his birth and the 100th anniversary of his death, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1733

Whereas, on November 30, 1835, Samuel Langhorne Clemens, one of the most prolific and influential writers and orators in America, was born in Florida, Missouri;

Whereas Clemens suffered many childhood setbacks including incessant poor health until age 9 and the death of his father at age of 12;

Whereas growing up along the emerging Mississippi port city of Hannibal, Missouri, watching the frequent steamboat stops and working as a printer and editorial assistant at his brother's newspaper, Clemens discovered his passion for writing;

Whereas Clemens, at the age of 17, moved to St. Louis, Missouri, and became a river pilot's apprentice, eventually becoming a licensed river pilot in 1858;

Whereas Samuel Clemens then worked for several newspapers across the United States after the river trade was halted by the Civil War in 1861;

Whereas Clemens assumed his pen name, Mark Twain, based on his experience as a river pilot;

Whereas Mark Twain means two fathoms or 12 feet when the depth of water for a boat is being sounded, or that it is safe to navigate;

Whereas Twain's first work to gain notoriety was his short story, ''The Celebrated Jumping Frog of Calaveras County'', which appeared in the New York Saturday Press on November 18, 1865;

Whereas Mark Twain composed 28 books as well as numerous short stories, letters, and sketches, including such classics as ''Life on the Mississippi'', ''The Adventures of Tom Sawyer'', ''The Prince and the Pauper'', and ''The Adventures of Huckleberry Finn'';

Whereas Twain first declared his disappointment with politics in ''A Connecticut Yankee in King Arthur's Court'', where he depicted the absurdities of political and social norms by setting them in the court of King Arthur;

Whereas Mark Twain was a staunch civil rights advocate believing strongly in emancipation and said, ''Lincoln's Proclamation . . . not only set the black slaves free, but set the white man free also.''; and

Whereas Mark Twain was an adamant supporter of women's suffrage, saying in his most famous speech, ''Votes for Women'':

''Referring to woman's sphere in life, I'll say that woman is always right. For twenty-five years I've been a woman's rights man. I have always believed, long before my mother died, that, with her gray hairs and admirable intellect, perhaps she knew as much as I did. Perhaps she knew as much about voting as I.

''I should like to see the time come when women shall help to make the laws. I should like to see that whiplash, the ballot, in the hands of women. As for this city's government, I don't want to say much, except that it is a shame—a shame; but if I should live twenty-five years longer—and there is no reason why I shouldn't—I think I'll see women handle the ballot. If women had the ballot to-day, the state of things in this town would not exist.

''If all the women in this town had a vote today they would elect a mayor at the next election, and they would rise in their might and change the awful state of things now existing here.'': Now, therefore, be it

Resolved, That the House of Representatives recognizes Mark Twain as one of America's most famous literary icons and commemorates him on the 175th anniversary of his birth and the 100th anniversary of his death.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CUELLAR. I now yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight Government Reform, I am pleased to present House Resolution 1733, a resolution recognizing Mark Twain as one of America's most famous literary icons on the 175th anniversary of his birth and the 100th anniversary of his death. House Resolution 1733 was introduced by our colleague, the gentleman from Arkansas, Representative VIC SNYDER, on November 18, 2010. This measure enjoys the support of over 60 Members of the House.

Mr. Speaker, Mark Twain was born as Samuel Langhorne Clemens in the town of Florida, Missouri, on November 30, 1835. Famously, he was born 2 weeks after the closest approach to Earth of Halley's Comet, which made its next approach 1 day after his death in 1910.

At the age of 4, Twain moved to Hannibal, Missouri, a Mississippi River town that would inspire some of his most beloved works. At age 12, he became a printer's apprentice; and at age 16, he began working as a typesetter and contributor of articles and humorous sketches for the Hannibal Journal, a newspaper owned by his brother Orion. At age 18, he worked briefly as a printer in New York City, Philadelphia, St. Louis, Cincinnati, taking time to educate himself at public libraries in the evenings.

After returning to Missouri at age 22, he was inspired to be a steamboat pilot, earning significant income, learning intimate details of the river, and where he was inspired to give himself his pen name Mark Twain, which refers to the depth of two fathoms, or 12 feet, the right depth for safe passage of a riverboat.

He worked on riverboats until 1861, when the Civil War stopped traffic along the Mississippi River. He then traveled west, working as a miner and for newspapers in various towns. His first success as a writer came when his humorous short story, ''The Celebrated Jumping Frog of Calaveras County,'' was published in a New York weekly, The Saturday Press, on November 18, 1865. This launched his renown as a writer, bringing attention across the country.

After traveling to Europe and the Middle East on assignment from a local newspaper, he moved with his family to Buffalo, New York, and then to Hartford, Connecticut. It was in Hartford that Twain wrote his most famous works, ''The Adventures of Tom Sawyer,'' ''The Prince and the Pauper,'' ''Life on the Mississippi,'' ''Adventures of Huckleberry Finn,'' and ''A Connecticut Yankee in King Arthur's Court.''

He gave lectures around the world, patented three inventions, and developed a lasting friendship with one of history's most famous scientists and inventors, Nikola Tesla.

Twain died at age 74 on April 21, 1910, a year after making his famous prediction: ''I came in with Halley's Comet in 1835. It is coming again next year, and I expect to go out with it. It will be the greatest disappointment of my life if I don't go out with Halley's Comet. The Almighty has said, no doubt: 'Now here are these two unaccountable freaks; they came in together, they must go out together.' ''

William Faulkner called Mark Twain ''the father of American literature,'' and he is rightly remembered as such. We can also remember and honor him for his advocacy on behalf of emancipation and women's suffrage.

In closing, no study of American literature is complete without the works of Mark Twain. Mr. Speaker, let us, therefore, honor this giant of American literature on the 100th anniversary of his death through the passage of House Resolution 1733.

I urge my colleagues to join me in supporting it, and I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1733, recognizing Mark Twain as one of America's most famous literary icons on the 175th anniversary of his birth and the 100th anniversary of his death.

□ 0920

Born Samuel Langhorne Clemens in Florida, Missouri, on November 30, 1835, Mark Twain left school at the age of 13 to go to work as a printer's apprentice. He went on to become an editorial assistant at a newspaper and river pilot, where he gained his famous pseudonym. Mark Twain began writing for a newspaper during the Civil War, and his short story ''The Celebrated Jumping Frog of Calaveras County'' was published in 1865. Twain would, of course, go on to author ''The Adventures of Tom Sawyer'' and ''The Adventures of Huckleberry Finn,'' among 28 other books and numerous short stories.

Mr. Speaker, it is altogether fitting and proper that we recognize Mark

Twain and his rich contributions to our country's literary history. This wonderful occasion has also inspired me to rediscover the great works of Mark Twain with my granddaughter and connect this imaginary world with the reality of his boyhood home in Hannibal. It is critical for us to foster a love for reading among children and our grandchildren because it is part of what makes them kids.

I am also extremely honored and fortunate to represent Hannibal in Congress and would encourage folks to visit the area in northeast Missouri and discover the inspiration for some of the greatest literary works of American history. Mark Twain and the city of Hannibal are integral parts of Missouri's heritage, and I am proud to recognize him on this very special day.

To that end, a Mark Twain quote: ''Twenty years from now, you will be more disappointed by the things that you didn't do than by the ones that you did. So throw off the bowlines, sail away from the safe harbor, catch the trade winds in your sail. Explore, dream, discover.''

I urge all Members to join me in strong support of this resolution.

I reserve the balance of my time.

Mr. CUELLAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, as a boy growing up in southern Oregon, Medford, Oregon, I was blessed with a wonderful public school system. Of course, that is about a half century ago now, but you only have a good school system if you have good teachers, and I did: Mr. Merriman and Elsie Butler and Devere Taylor and John Smock and Mrs. Leininger and Irv Myrick, and I do a disservice to all of them by naming just a few.

Chuck Nevi was one of those teachers, and he helped me explore America and humanity through the words of Mark Twain.

For a boy growing up in 1950s America, the world of riverboats, scalawags, runaway slaves, and sassy, independent, barefooted boys was magical. The world of Mark Twain taught readers universal truths about the human animal, and some of those truths are not flattering. Like all youngsters, I imagined myself to be Huckleberry Finn, and when Huck Finn chooses what he believes will be hell and eternal damnation so that his love, loyalty, and friendship with a runaway slave will be preserved, well, for me, being raised in a town with few minorities, I learned both about racism and about the power of even young boys to find the real truths and confront confusing human institutions that allowed racism to persist.

A few weeks ago, I saw the news report of Tina Fey winning the Mark Twain Prize for American Humor, and it reminded me that this year, 2010, should be acknowledged for the 100th anniversary of Mark Twain's death and the 175th anniversary of his birth. And so even though it was late in the session, I filed this resolution on his birthday to honor Mark Twain.

Mr. Speaker, when parents are away from their babies, particularly during these holidays, we talk about our kids, and so I will. My 4-year-old, Penn, and my three 2-year-olds, Aubrey, Wyatt and Sullivan, are the four little boy Huck Finns in our Arkansas household geographically not far from Huck Finn's world, but such a different world now, one that 19th century contemporaries of a young Sam Clemens would not recognize, except, of course, for his insights into the strengths and weaknesses of human nature. And because of that genius, that genius expressed with humor, I hope my young boys, my young Huck Finns, learn to love the world and works of Mark Twain.

Mr. LUETKEMEYER. I yield back the balance of my time.

Mr. CUELLAR. Mr. Speaker, again I urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and agree to the resolution, H. Res. 1733, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GPRA MODERNIZATION ACT OF 2010

Mr. CUELLAR. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2142) to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''GPRA Modernization Act of 2010''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Strategic planning amendments.
Sec. 3. Performance planning amendments.
Sec. 4. Performance reporting amendments.
Sec. 5. Federal Government and agency priority goals.
Sec. 6. Quarterly priority progress reviews and use of performance information.
Sec. 7. Transparency of Federal Government programs, priority goals, and results.
Sec. 8. Agency Chief Operating Officers.
Sec. 9. Agency Performance Improvement Officers and the Performance Improvement Council.
Sec. 10. Format of performance plans and reports.
Sec. 11. Reducing duplicative and outdated agency reporting.
Sec. 12. Performance management skills and competencies.
Sec. 13. Technical and conforming amendments.
Sec. 14. Implementation of this Act.
Sec. 15. Congressional oversight and legislation.

SEC. 2. STRATEGIC PLANNING AMENDMENTS.

Chapter 3 of title 5, United States Code, is amended by striking section 306 and inserting the following:

''§ 306. Agency strategic plans

''(a) Not later than the first Monday in February of any year following the year in which the term of the President commences under section 101 of title 3, the head of each agency shall make available on the public website of the agency a strategic plan and notify the President and Congress of its availability. Such plan shall contain—

''(1) a comprehensive mission statement covering the major functions and operations of the agency;

''(2) general goals and objectives, including outcome-oriented goals, for the major functions and operations of the agency;

''(3) a description of how any goals and objectives contribute to the Federal Government priority goals required by section 1120(a) of title 31;

''(4) a description of how the goals and objectives are to be achieved, including—

''(A) a description of the operational processes, skills and technology, and the human, capital, information, and other resources required to achieve those goals and objectives; and

''(B) a description of how the agency is working with other agencies to achieve its goals and objectives as well as relevant Federal Government priority goals;

''(5) a description of how the goals and objectives incorporate views and suggestions obtained through congressional consultations required under subsection (d);

''(6) a description of how the performance goals provided in the plan required by section 1115(a) of title 31, including the agency priority goals required by section 1120(b) of title 31, if applicable, contribute to the general goals and objectives in the strategic plan;

''(7) an identification of those key factors external to the agency and beyond its control that could significantly affect the achievement of the general goals and objectives; and

''(8) a description of the program evaluations used in establishing or revising general goals and objectives, with a schedule for future program evaluations to be conducted.

''(b) The strategic plan shall cover a period of not less than 4 years following the fiscal year in which the plan is submitted. As needed, the head of the agency may make adjustments to the strategic plan to reflect significant changes in the environment in which the agency is operating, with appropriate notification of Congress.

''(c) The performance plan required by section 1115(b) of title 31 shall be consistent with the agency's strategic plan. A performance plan may not be submitted for a fiscal year not covered by a current strategic plan under this section.

''(d) When developing or making adjustments to a strategic plan, the agency shall consult periodically with the Congress, including majority and minority views from the appropriate authorizing, appropriations, and oversight committees, and shall solicit and consider the views and suggestions of those entities potentially affected by or interested in such a plan. The agency shall consult with the appropriate committees of Congress at least once every 2 years.

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of strategic plans under this section shall be performed only by Federal employees.

''(f) For purposes of this section the term 'agency' means an Executive agency defined under section 105, but does not include the Central Intelligence Agency, the Government Accountability Office, the United States Postal Service, and the Postal Regulatory Commission.''.

SEC. 3. PERFORMANCE PLANNING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1115 and inserting the following:

''§ 1115. Federal Government and agency performance plans

''(a) FEDERAL GOVERNMENT PERFORMANCE PLANS.—In carrying out the provisions of section 1105(a)(28), the Director of the Office of Management and Budget shall coordinate with agencies to develop the Federal Government performance plan. In addition to the submission of such plan with each budget of the United States Government, the Director of the Office of Management and Budget shall ensure that all information required by this subsection is concurrently made available on the website provided under section 1122 and updated periodically, but no less than annually. The Federal Government performance plan shall—

''(1) establish Federal Government performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year for each of the Federal Government priority goals required under section 1120(a) of this title;

''(2) identify the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities contributing to each Federal Government performance goal during the current fiscal year;

''(3) for each Federal Government performance goal, identify a lead Government official who shall be responsible for coordinating the efforts to achieve the goal;

''(4) establish common Federal Government performance indicators with quarterly targets to be used in measuring or assessing—

''(A) overall progress toward each Federal Government performance goal; and

''(B) the individual contribution of each agency, organization, program activity, regulation, tax expenditure, policy, and other activity identified under paragraph (2);

''(5) establish clearly defined quarterly milestones; and

''(6) identify major management challenges that are Governmentwide or crosscutting in nature and describe plans to address such challenges, including relevant performance goals, performance indicators, and milestones.

''(b) AGENCY PERFORMANCE PLANS.—Not later than the first Monday in February of each year, the head of each agency shall make available on a public website of the agency, and notify the President and the Congress of its availability, a performance plan covering each program activity set forth in the budget of such agency. Such plan shall—

''(1) establish performance goals to define the level of performance to be achieved during the year in which the plan is submitted and the next fiscal year;

''(2) express such goals in an objective, quantifiable, and measurable form unless authorized to be in an alternative form under subsection (c);

''(3) describe how the performance goals contribute to—

''(A) the general goals and objectives established in the agency's strategic plan required by section 306(a)(2) of title 5; and

''(B) any of the Federal Government performance goals established in the Federal Government performance plan required by subsection (a)(1);

''(4) identify among the performance goals those which are designated as agency priority goals as required by section 1120(b) of this title, if applicable;

''(5) provide a description of how the performance goals are to be achieved, including—

''(A) the operation processes, training, skills and technology, and the human, capital, information, and other resources and strategies required to meet those performance goals;

''(B) clearly defined milestones;

''(C) an identification of the organizations, program activities, regulations, policies, and other activities that contribute to each performance goal, both within and external to the agency;

''(D) a description of how the agency is working with other agencies to achieve its performance goals as well as relevant Federal Government performance goals; and

''(E) an identification of the agency officials responsible for the achievement of each performance goal, who shall be known as goal leaders;

''(6) establish a balanced set of performance indicators to be used in measuring or assessing progress toward each performance goal, including, as appropriate, customer service, efficiency, output, and outcome indicators;

''(7) provide a basis for comparing actual program results with the established performance goals;

''(8) a description of how the agency will ensure the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means to be used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency will compensate for such limitations if needed to reach the required level of accuracy;

''(9) describe major management challenges the agency faces and identify—

''(A) planned actions to address such challenges;

''(B) performance goals, performance indicators, and milestones to measure progress toward resolving such challenges; and

''(C) the agency official responsible for resolving such challenges; and

''(10) identify low-priority program activities based on an analysis of their contribution to the mission and goals of the agency and include an evidence-based justification for designating a program activity as low priority.

''(c) ALTERNATIVE FORM.—If an agency, in consultation with the Director of the Office of Management and Budget, determines that it is not feasible to express the performance goals for a particular program activity in an objective, quantifiable, and measurable form, the Director of the Office of Management and Budget may authorize an alternative form. Such alternative form shall—

''(1) include separate descriptive statements of—

''(A)(i) a minimally effective program; and

''(ii) a successful program; or

''(B) such alternative as authorized by the Director of the Office of Management and Budget, with sufficient precision and in such terms that would allow for an accurate, independent determination of whether the program activity's performance meets the criteria of the description; or

''(2) state why it is infeasible or impractical to express a performance goal in any form for the program activity.

''(d) TREATMENT OF PROGRAM ACTIVITIES.—For the purpose of complying with this section, an agency may aggregate, disaggregate, or consolidate program activities, except that any aggregation or consolidation may not omit or minimize the significance of any program activity constituting a major function or operation for the agency.

''(e) APPENDIX.—An agency may submit with an annual performance plan an appendix covering any portion of the plan that—

''(1) is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy; and

''(2) is properly classified pursuant to such Executive order.

''(f) INHERENTLY GOVERNMENTAL FUNCTIONS.—The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of performance plans under this section shall be performed only by Federal employees.

''(g) CHIEF HUMAN CAPITAL OFFICERS.—With respect to each agency with a Chief Human Capital Officer, the Chief Human Capital Officer shall prepare that portion of the annual performance plan described under subsection (b)(5)(A).

''(h) DEFINITIONS.—For purposes of this section and sections 1116 through 1125, and sections 9703 and 9704, the term—

''(1) 'agency' has the same meaning as such term is defined under section 306(f) of title 5;

''(2) 'crosscutting' means across organizational (such as agency) boundaries;

''(3) 'customer service measure' means an assessment of service delivery to a customer, client, citizen, or other recipient, which can include an assessment of quality, timeliness, and satisfaction among other factors;

''(4) 'efficiency measure' means a ratio of a program activity's inputs (such as costs or hours worked by employees) to its outputs (amount of products or services delivered) or outcomes (the desired results of a program);

''(5) 'major management challenge' means programs or management functions, within or across agencies, that have greater vulnerability to waste, fraud, abuse, and mismanagement (such as issues identified by the Government Accountability Office as high risk or issues identified by an Inspector General) where a failure to perform well could seriously affect the ability of an agency or the Government to achieve its mission or goals;

''(6) 'milestone' means a scheduled event signifying the completion of a major deliverable or a set of related deliverables or a phase of work;

''(7) 'outcome measure' means an assessment of the results of a program activity compared to its intended purpose;

''(8) 'output measure' means the tabulation, calculation, or recording of activity or effort that can be expressed in a quantitative or qualitative manner;

''(9) 'performance goal' means a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate;

''(10) 'performance indicator' means a particular value or characteristic used to measure output or outcome;

''(11) 'program activity' means a specific activity or project as listed in the program and financing schedules of the annual budget of the United States Government; and

''(12) 'program evaluation' means an assessment, through objective measurement and systematic analysis, of the manner and extent to which Federal programs achieve intended objectives.''.

SEC. 4. PERFORMANCE REPORTING AMENDMENTS.

Chapter 11 of title 31, United States Code, is amended by striking section 1116 and inserting the following:

''§ 1116. Agency performance reporting

''(a) The head of each agency shall make available on a public website of the agency and to the Office of Management and Budget an update on agency performance.

''(b)(1) Each update shall compare actual performance achieved with the performance goals established in the agency performance plan under section 1115(b) and shall occur no less than 150 days after the end of each fiscal year,

with more frequent updates of actual performance on indicators that provide data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden.

''(2) If performance goals are specified in an alternative form under section 1115(c), the results shall be described in relation to such specifications, including whether the performance failed to meet the criteria of a minimally effective or successful program.

''(c) Each update shall—

''(1) review the success of achieving the performance goals and include actual results for the 5 preceding fiscal years;

''(2) evaluate the performance plan for the current fiscal year relative to the performance achieved toward the performance goals during the period covered by the update;

''(3) explain and describe where a performance goal has not been met (including when a program activity's performance is determined not to have met the criteria of a successful program activity under section 1115(c)(1)(A)(ii) or a corresponding level of achievement if another alternative form is used)—

''(A) why the goal was not met;

''(B) those plans and schedules for achieving the established performance goal; and

''(C) if the performance goal is impractical or infeasible, why that is the case and what action is recommended;

''(4) describe the use and assess the effectiveness in achieving performance goals of any waiver under section 9703 of this title;

''(5) include a review of the performance goals and evaluation of the performance plan relative to the agency's strategic human capital management;

''(6) describe how the agency ensures the accuracy and reliability of the data used to measure progress towards its performance goals, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy; and

''(7) include the summary findings of those program evaluations completed during the period covered by the update.

''(d) If an agency performance update includes any program activity or information that is specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive Order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(e) The functions and activities of this section shall be considered to be inherently governmental functions. The drafting of agency performance updates under this section shall be performed only by Federal employees.

''(f) Each fiscal year, the Office of Management and Budget shall determine whether the agency programs or activities meet performance goals and objectives outlined in the agency performance plans and submit a report on unmet goals to—

''(1) the head of the agency;

''(2) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(3) the Committee on Oversight and Governmental Reform of the House of Representatives; and

''(4) the Government Accountability Office.

''(g) If an agency's programs or activities have not met performance goals as determined by the Office of Management and Budget for 1 fiscal year, the head of the agency shall submit a performance improvement plan to the Office of Management and Budget to increase program effectiveness for each unmet goal with measurable milestones. The agency shall designate a senior official who shall oversee the performance improvement strategies for each unmet goal.

''(h)(1) If the Office of Management and Budget determines that agency programs or activities have unmet performance goals for 2 consecutive fiscal years, the head of the agency shall—

''(A) submit to Congress a description of the actions the Administration will take to improve performance, including proposed statutory changes or planned executive actions; and

''(B) describe any additional funding the agency will obligate to achieve the goal, if such an action is determined appropriate in consultation with the Director of the Office of Management and Budget, for an amount determined appropriate by the Director.

''(2) In providing additional funding described under paragraph (1)(B), the head of the agency shall use any reprogramming or transfer authority available to the agency. If after exercising such authority additional funding is necessary to achieve the level determined appropriate by the Director of the Office of Management and Budget, the head of the agency shall submit a request to Congress for additional reprogramming or transfer authority.

''(i) If an agency's programs or activities have not met performance goals as determined by the Office of Management and Budget for 3 consecutive fiscal years, the Director of the Office of Management and Budget shall submit recommendations to Congress on actions to improve performance not later than 60 days after that determination, including—

''(1) reauthorization proposals for each program or activity that has not met performance goals;

''(2) proposed statutory changes necessary for the program activities to achieve the proposed level of performance on each performance goal; and

''(3) planned executive actions or identification of the program for termination or reduction in the President's budget.''.

SEC. 5. FEDERAL GOVERNMENT AND AGENCY PRIORITY GOALS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1119 the following:

''§ 1120. Federal Government and agency priority goals

''(a) FEDERAL GOVERNMENT PRIORITY GOALS.—

''(1) The Director of the Office of Management and Budget shall coordinate with agencies to develop priority goals to improve the performance and management of the Federal Government. Such Federal Government priority goals shall include—

''(A) outcome-oriented goals covering a limited number of crosscutting policy areas; and

''(B) goals for management improvements needed across the Federal Government, including—

''(i) financial management;

''(ii) human capital management;

''(iii) information technology management;

''(iv) procurement and acquisition management; and

''(v) real property management;

''(2) The Federal Government priority goals shall be long-term in nature. At a minimum, the Federal Government priority goals shall be updated or revised every 4 years and made publicly available concurrently with the submission of the budget of the United States Government made in the first full fiscal year following any year in which the term of the President commences under section 101 of title 3. As needed, the Director of the Office of Management and Budget may make adjustments to the Federal Government priority goals to reflect significant changes in the environment in which the Federal Government is operating, with appropriate notification of Congress.

''(3) When developing or making adjustments to Federal Government priority goals, the Director of the Office of Management and Budget shall consult periodically with the Congress, including obtaining majority and minority views from—

''(A) the Committees on Appropriations of the Senate and the House of Representatives;

''(B) the Committees on the Budget of the Senate and the House of Representatives;

''(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(D) the Committee on Oversight and Government Reform of the House of Representatives;

''(E) the Committee on Finance of the Senate;

''(F) the Committee on Ways and Means of the House of Representatives; and

''(G) any other committees as determined appropriate;

''(4) The Director of the Office of Management and Budget shall consult with the appropriate committees of Congress at least once every 2 years.

''(5) The Director of the Office of Management and Budget shall make information about the Federal Government priority goals available on the website described under section 1122 of this title.

''(6) The Federal Government performance plan required under section 1115(a) of this title shall be consistent with the Federal Government priority goals.

''(b) AGENCY PRIORITY GOALS.—

''(1) Every 2 years, the head of each agency listed in section 901(b) of this title, or as otherwise determined by the Director of the Office of Management and Budget, shall identify agency priority goals from among the performance goals of the agency. The Director of the Office of Management and Budget shall determine the total number of agency priority goals across the Government, and the number to be developed by each agency. The agency priority goals shall—

''(A) reflect the highest priorities of the agency, as determined by the head of the agency and informed by the Federal Government priority goals provided under subsection (a) and the consultations with Congress and other interested parties required by section 306(d) of title 5;

''(B) have ambitious targets that can be achieved within a 2-year period;

''(C) have a clearly identified agency official, known as a goal leader, who is responsible for the achievement of each agency priority goal;

''(D) have interim quarterly targets for performance indicators if more frequent updates of actual performance provides data of significant value to the Government, Congress, or program partners at a reasonable level of administrative burden; and

''(E) have clearly defined quarterly milestones.

''(2) If an agency priority goal includes any program activity or information that is specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and is properly classified pursuant to such Executive order, the head of the agency shall make such information available in the classified appendix provided under section 1115(e).

''(c) The functions and activities of this section shall be considered to be inherently governmental functions. The development of Federal Government and agency priority goals shall be performed only by Federal employees.''.

SEC. 6. QUARTERLY PRIORITY PROGRESS REVIEWS AND USE OF PERFORMANCE INFORMATION.

Chapter 11 of title 31, United States Code, is amended by adding after section 1120 (as added by section 5 of this Act) the following:

''§ 1121. Quarterly priority progress reviews and use of performance information

''(a) USE OF PERFORMANCE INFORMATION TO ACHIEVE FEDERAL GOVERNMENT PRIORITY

GOALS.—Not less than quarterly, the Director of the Office of Management and Budget, with the support of the Performance Improvement Council, shall—

''(1) for each Federal Government priority goal required by section 1120(a) of this title, review with the appropriate lead Government official the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) include in such reviews officials from the agencies, organizations, and program activities that contribute to the accomplishment of each Federal Government priority goal;

''(3) assess whether agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned to each Federal Government priority goal;

''(4) categorize the Federal Government priority goals by risk of not achieving the planned level of performance; and

''(5) for the Federal Government priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agencies, organizations, program activities, regulations, tax expenditures, policies or other activities.

''(b) AGENCY USE OF PERFORMANCE INFORMATION TO ACHIEVE AGENCY PRIORITY GOALS.—Not less than quarterly, at each agency required to develop agency priority goals required by section 1120(b) of this title, the head of the agency and Chief Operating Officer, with the support of the agency Performance Improvement Officer, shall—

''(1) for each agency priority goal, review with the appropriate goal leader the progress achieved during the most recent quarter, overall trend data, and the likelihood of meeting the planned level of performance;

''(2) coordinate with relevant personnel within and outside the agency who contribute to the accomplishment of each agency priority goal;

''(3) assess whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned to the agency priority goals;

''(4) categorize agency priority goals by risk of not achieving the planned level of performance; and

''(5) for agency priority goals at greatest risk of not meeting the planned level of performance, identify prospects and strategies for performance improvement, including any needed changes to agency program activities, regulations, policies, or other activities.''.

SEC. 7. TRANSPARENCY OF FEDERAL GOVERNMENT PROGRAMS, PRIORITY GOALS, AND RESULTS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1121 (as added by section 6 of this Act) the following:

''§ 1122. Transparency of programs, priority goals, and results

''(a) TRANSPARENCY OF AGENCY PROGRAMS.—

''(1) IN GENERAL.—Not later than October 1, 2012, the Office of Management and Budget shall—

''(A) ensure the effective operation of a single website;

''(B) at a minimum, update the website on a quarterly basis; and

''(C) include on the website information about each program identified by the agencies.

''(2) INFORMATION.—Information for each program described under paragraph (1) shall include—

''(A) an identification of how the agency defines the term 'program', consistent with guidance provided by the Director of the Office of Management and Budget, including the program activities that are aggregated, disaggregated, or consolidated to be considered a program by the agency;

''(B) a description of the purposes of the program and the contribution of the program to the mission and goals of the agency; and

''(C) an identification of funding for the current fiscal year and previous 2 fiscal years.

''(b) TRANSPARENCY OF AGENCY PRIORITY GOALS AND RESULTS.—The head of each agency required to develop agency priority goals shall make information about each agency priority goal available to the Office of Management and Budget for publication on the website, with the exception of any information covered by section 1120(b)(2) of this title. In addition to an identification of each agency priority goal, the website shall also consolidate information about each agency priority goal, including—

''(1) a description of how the agency incorporated any views and suggestions obtained through congressional consultations about the agency priority goal;

''(2) an identification of key factors external to the agency and beyond its control that could significantly affect the achievement of the agency priority goal;

''(3) a description of how each agency priority goal will be achieved, including—

''(A) the strategies and resources required to meet the priority goal;

''(B) clearly defined milestones;

''(C) the organizations, program activities, regulations, policies, and other activities that contribute to each goal, both within and external to the agency;

''(D) how the agency is working with other agencies to achieve the goal; and

''(E) an identification of the agency official responsible for achieving the priority goal;

''(4) the performance indicators to be used in measuring or assessing progress;

''(5) a description of how the agency ensures the accuracy and reliability of the data used to measure progress towards the priority goal, including an identification of—

''(A) the means used to verify and validate measured values;

''(B) the sources for the data;

''(C) the level of accuracy required for the intended use of the data;

''(D) any limitations to the data at the required level of accuracy; and

''(E) how the agency has compensated for such limitations if needed to reach the required level of accuracy;

''(6) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(7) an assessment of whether relevant organizations, program activities, regulations, policies, and other activities are contributing as planned;

''(8) an identification of the agency priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(c) TRANSPARENCY OF FEDERAL GOVERNMENT PRIORITY GOALS AND RESULTS.—The Director of the Office of Management and Budget shall also make available on the website—

''(1) a brief description of each of the Federal Government priority goals required by section 1120(a) of this title;

''(2) a description of how the Federal Government priority goals incorporate views and suggestions obtained through congressional consultations;

''(3) the Federal Government performance goals and performance indicators associated with each Federal Government priority goal as required by section 1115(a) of this title;

''(4) an identification of the lead Government official for each Federal Government performance goal;

''(5) the results achieved during the most recent quarter and overall trend data compared to the planned level of performance;

''(6) an identification of the agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities that contribute to each Federal Government priority goal;

''(7) an assessment of whether relevant agencies, organizations, program activities, regulations, tax expenditures, policies, and other activities are contributing as planned;

''(8) an identification of the Federal Government priority goals at risk of not achieving the planned level of performance; and

''(9) any prospects or strategies for performance improvement.

''(d) INFORMATION ON WEBSITE.—The information made available on the website under this section shall be readily accessible and easily found on the Internet by the public and members and committees of Congress. Such information shall also be presented in a searchable, machine-readable format. The Director of the Office of Management and Budget shall issue guidance to ensure that such information is provided in a way that presents a coherent picture of all Federal programs, and the performance of the Federal Government as well as individual agencies.''.

SEC. 8. AGENCY CHIEF OPERATING OFFICERS.

Chapter 11 of title 31, United States Code, is amended by adding after section 1122 (as added by section 7 of this Act) the following:

''§ 1123. Chief Operating Officers

''(a) ESTABLISHMENT.—At each agency, the deputy head of agency, or equivalent, shall be the Chief Operating Officer of the agency.

''(b) FUNCTION.—Each Chief Operating Officer shall be responsible for improving the management and performance of the agency, and shall—

''(1) provide overall organization management to improve agency performance and achieve the mission and goals of the agency through the use of strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(2) advise and assist the head of agency in carrying out the requirements of sections 1115 through 1122 of this title and section 306 of title 5;

''(3) oversee agency-specific efforts to improve management functions within the agency and across Government; and

''(4) coordinate and collaborate with relevant personnel within and external to the agency who have a significant role in contributing to and achieving the mission and goals of the agency, such as the Chief Financial Officer, Chief Human Capital Officer, Chief Acquisition Officer/Senior Procurement Executive, Chief Information Officer, and other line of business chiefs at the agency.''.

SEC. 9. AGENCY PERFORMANCE IMPROVEMENT OFFICERS AND THE PERFORMANCE IMPROVEMENT COUNCIL.

Chapter 11 of title 31, United States Code, is amended by adding after section 1123 (as added by section 8 of this Act) the following:

''§ 1124. Performance Improvement Officers and the Performance Improvement Council

''(a) PERFORMANCE IMPROVEMENT OFFICERS.—

''(1) ESTABLISHMENT.—At each agency, the head of the agency, in consultation with the agency Chief Operating Officer, shall designate a senior executive of the agency as the agency Performance Improvement Officer.

''(2) FUNCTION.—Each Performance Improvement Officer shall report directly to the Chief Operating Officer. Subject to the direction of the Chief Operating Officer, each Performance Improvement Officer shall—

''(A) advise and assist the head of the agency and the Chief Operating Officer to ensure that the mission and goals of the agency are achieved through strategic and performance planning, measurement, analysis, regular assessment of progress, and use of performance information to improve the results achieved;

''(B) advise the head of the agency and the Chief Operating Officer on the selection of agency goals, including opportunities to collaborate with other agencies on common goals;

''(C) assist the head of the agency and the Chief Operating Officer in overseeing the implementation of the agency strategic planning, performance planning, and reporting requirements provided under sections 1115 through 1122 of this title and sections 306 of title 5, including the contributions of the agency to the Federal Government priority goals;

''(D) support the head of agency and the Chief Operating Officer in the conduct of regular reviews of agency performance, including at least quarterly reviews of progress achieved toward agency priority goals, if applicable;

''(E) assist the head of the agency and the Chief Operating Officer in the development and use within the agency of performance measures in personnel performance appraisals, and, as appropriate, other agency personnel and planning processes and assessments; and

''(F) ensure that agency progress toward the achievement of all goals is communicated to leaders, managers, and employees in the agency and Congress, and made available on a public website of the agency.

''(b) PERFORMANCE IMPROVEMENT COUNCIL.—

''(1) ESTABLISHMENT.—There is established a Performance Improvement Council, consisting of—

''(A) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council;

''(B) the Performance Improvement Officer from each agency defined in section 901(b) of this title;

''(C) other Performance Improvement Officers as determined appropriate by the chairperson; and

''(D) other individuals as determined appropriate by the chairperson.

''(2) FUNCTION.—The Performance Improvement Council shall—

''(A) be convened by the chairperson or the designee of the chairperson, who shall preside at the meetings of the Performance Improvement Council, determine its agenda, direct its work, and establish and direct subgroups of the Performance Improvement Council, as appropriate, to deal with particular subject matters;

''(B) assist the Director of the Office of Management and Budget to improve the performance of the Federal Government and achieve the Federal Government priority goals;

''(C) assist the Director of the Office of Management and Budget in implementing the planning, reporting, and use of performance information requirements related to the Federal Government priority goals provided under sections 1115, 1120, 1121, and 1122 of this title;

''(D) work to resolve specific Governmentwide or crosscutting performance issues, as necessary;

''(E) facilitate the exchange among agencies of practices that have led to performance improvements within specific programs, agencies, or across agencies;

''(F) coordinate with other interagency management councils;

''(G) seek advice and information as appropriate from nonmember agencies, particularly smaller agencies;

''(H) consider the performance improvement experiences of corporations, nonprofit organizations, foreign, State, and local governments, Government employees, public sector unions, and customers of Government services;

''(I) receive such assistance, information and advice from agencies as the Council may request, which agencies shall provide to the extent permitted by law; and

''(J) develop and submit to the Director of the Office of Management and Budget, or when appropriate to the President through the Director of the Office of Management and Budget, at times and in such formats as the chairperson may specify, recommendations to streamline and improve performance management policies and requirements.

''(3) SUPPORT.—

''(A) IN GENERAL.—The Administrator of General Services shall provide administrative and other support for the Council to implement this section.

''(B) PERSONNEL.—The heads of agencies with Performance Improvement Officers serving on the Council shall, as appropriate and to the extent permitted by law, provide at the request of the chairperson of the Performance Improvement Council up to 2 personnel authorizations to serve at the direction of the chairperson.''.

SEC. 10. FORMAT OF PERFORMANCE PLANS AND REPORTS.

(a) SEARCHABLE, MACHINE-READABLE PLANS AND REPORTS.—For fiscal year 2012 and each fiscal year thereafter, each agency required to produce strategic plans, performance plans, and performance updates in accordance with the amendments made by this Act shall—

(1) not incur expenses for the printing of strategic plans, performance plans, and performance reports for release external to the agency, except when providing such documents to the Congress;

(2) produce such plans and reports in searchable, machine-readable formats; and

(3) make such plans and reports available on the website described under section 1122 of title 31, United States Code.

(b) WEB-BASED PERFORMANCE PLANNING AND REPORTING.—

(1) IN GENERAL.—Not later than June 1, 2012, the Director of the Office of Management and Budget shall issue guidance to agencies to provide concise and timely performance information for publication on the website described under section 1122 of title 31, United States Code, including, at a minimum, all requirements of sections 1115 and 1116 of title 31, United States Code, except for section 1115(e).

(2) HIGH-PRIORITY GOALS.—For agencies required to develop agency priority goals under section 1120(b) of title 31, United States Code, the performance information required under this section shall be merged with the existing information required under section 1122 of title 31, United States Code.

(3) CONSIDERATIONS.—In developing guidance under this subsection, the Director of the Office of Management and Budget shall take into consideration the experiences of agencies in making consolidated performance planning and reporting information available on the website as required under section 1122 of title 31, United States Code.

SEC. 11. REDUCING DUPLICATIVE AND OUTDATED AGENCY REPORTING.

(a) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating second paragraph (33) as paragraph (35); and

(2) by adding at the end the following:

''(37) the list of plans and reports, as provided for under section 1125, that agencies identified for elimination or consolidation because the plans and reports are determined outdated or duplicative of other required plans and reports.''.

(b) ELIMINATION OF UNNECESSARY AGENCY REPORTING.—Chapter 11 of title 31, United States Code, is further amended by adding after section 1124 (as added by section 9 of this Act) the following:

''§ 1125. Elimination of unnecessary agency reporting

''(a) AGENCY IDENTIFICATION OF UNNECESSARY REPORTS.—Annually, based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer at each agency shall—

''(1) compile a list that identifies all plans and reports the agency produces for Congress, in accordance with statutory requirements or as directed in congressional reports;

''(2) analyze the list compiled under paragraph (1), identify which plans and reports are outdated or duplicative of other required plans and reports, and refine the list to include only the plans and reports identified to be outdated or duplicative;

''(3) consult with the congressional committees that receive the plans and reports identified under paragraph (2) to determine whether those plans and reports are no longer useful to the committees and could be eliminated or consolidated with other plans and reports; and

''(4) provide a total count of plans and reports compiled under paragraph (1) and the list of outdated and duplicative reports identified under paragraph (2) to the Director of the Office of Management and Budget.

''(b) PLANS AND REPORTS.—

''(1) FIRST YEAR.—During the first year of implementation of this section, the list of plans and reports identified by each agency as outdated or duplicative shall be not less than 10 percent of all plans and reports identified under subsection (a)(1).

''(2) SUBSEQUENT YEARS.—In each year following the first year described under paragraph (1), the Director of the Office of Management and Budget shall determine the minimum percent of plans and reports to be identified as outdated or duplicative on each list of plans and reports.

''(c) REQUEST FOR ELIMINATION OF UNNECESSARY REPORTS.—In addition to including the list of plans and reports determined to be outdated or duplicative by each agency in the budget of the United States Government, as provided by section 1105(a)(37), the Director of the Office of Management and Budget may concurrently submit to Congress legislation to eliminate or consolidate such plans and reports.''.

SEC. 12. PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.

(a) PERFORMANCE MANAGEMENT SKILLS AND COMPETENCIES.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Personnel Management, in consultation with the Performance Improvement Council, shall identify the key skills and competencies needed by Federal Government personnel for developing goals, evaluating programs, and analyzing and using performance information for the purpose of improving Government efficiency and effectiveness.

(b) POSITION CLASSIFICATIONS.—Not later than 2 years after the date of enactment of this Act, based on the identifications under subsection (a), the Director of the Office of Personnel Management shall incorporate, as appropriate, such key skills and competencies into relevant position classifications.

(c) INCORPORATION INTO EXISTING AGENCY TRAINING.—Not later than 2 years after the enactment of this Act, the Director of the Office of Personnel Management shall work with each agency, as defined under section 306(f) of title 5, United States Code, to incorporate the key skills identified under subsection (a) into training for relevant employees at each agency.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) The table of contents for chapter 3 of title 5, United States Code, is amended by striking the item relating to section 306 and inserting the following:

''306. Agency strategic plans.''.

(b) The table of contents for chapter 11 of title 31, United States Code, is amended by striking the items relating to section 1115 and 1116 and inserting the following:

''1115. Federal Government and agency performance plans.

''1116. Agency performance reporting.''.

(c) The table of contents for chapter 11 of title 31, United States Code, is amended by adding at the end the following:

''1120. Federal Government and agency priority goals.

''1121. Quarterly priority progress reviews and use of performance information.
''1122. Transparency of programs, priority goals, and results.
''1123. Chief Operating Officers.
''1124. Performance Improvement Officers and the Performance Improvement Council.
''1125. Elimination of unnecessary agency reporting.''.

SEC. 14. IMPLEMENTATION OF THIS ACT.

(a) INTERIM PLANNING AND REPORTING.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate with agencies to develop interim Federal Government priority goals and submit interim Federal Government performance plans consistent with the requirements of this Act beginning with the submission of the fiscal year 2013 Budget of the United States Government.

(2) REQUIREMENTS.—Each agency shall—

(A) not later than February 6, 2012, make adjustments to its strategic plan to make the plan consistent with the requirements of this Act;

(B) prepare and submit performance plans consistent with the requirements of this Act, including the identification of agency priority goals, beginning with the performance plan for fiscal year 2013; and

(C) make performance reporting updates consistent with the requirements of this Act beginning in fiscal year 2012.

(3) QUARTERLY REVIEWS.—The quarterly priority progress reviews required under this Act shall begin—

(A) with the first full quarter beginning on or after the date of enactment of this Act for agencies based on the agency priority goals contained in the Analytical Perspectives volume of the Fiscal Year 2011 Budget of the United States Government; and

(B) with the quarter ending June 30, 2012 for the interim Federal Government priority goals.

(b) GUIDANCE.—The Director of the Office of Management and Budget shall prepare guidance for agencies in carrying out the interim planning and reporting activities required under subsection (a), in addition to other guidance as required for implementation of this Act.

SEC. 15. CONGRESSIONAL OVERSIGHT AND LEGISLATION.

(a) IN GENERAL.—Nothing in this Act shall be construed as limiting the ability of Congress to establish, amend, suspend, or annul a goal of the Federal Government or an agency.

(b) GAO REVIEWS.—

(1) INTERIM PLANNING AND REPORTING EVALUATION.—Not later than June 30, 2013, the Comptroller General shall submit a report to Congress that includes—

(A) an evaluation of the implementation of the interim planning and reporting activities conducted under section 14 of this Act; and

(B) any recommendations for improving implementation of this Act as determined appropriate.

(2) IMPLEMENTATION EVALUATIONS.—

(A) IN GENERAL.—The Comptroller General shall evaluate the implementation of this Act subsequent to the interim planning and reporting activities evaluated in the report submitted to Congress under paragraph (1).

(B) AGENCY IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate how implementation of this Act is affecting performance management at the agencies described in section 901(b) of title 31, United States Code, including whether performance management is being used by those agencies to improve the efficiency and effectiveness of agency programs.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) a subsequent report on the evaluation under clause (i), not later than September 30, 2017.

(C) FEDERAL GOVERNMENT PLANNING AND REPORTING IMPLEMENTATION.—

(i) EVALUATIONS.—The Comptroller General shall evaluate the implementation of the Federal Government priority goals, Federal Government performance plans and related reporting required by this Act.

(ii) REPORTS.—The Comptroller General shall submit to Congress—

(I) an initial report on the evaluation under clause (i), not later than September 30, 2015; and

(II) subsequent reports on the evaluation under clause (i), not later than September 30, 2017 and every 4 years thereafter.

(D) RECOMMENDATIONS.—The Comptroller General shall include in the reports required by subparagraphs (B) and (C) any recommendations for improving implementation of this Act and for streamlining the planning and reporting requirements of the Government Performance and Results Act of 1993.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. Mr. Speaker, I yield myself such time as I may consume.

First of all, I want to thank Government Oversight Committee Chairman ED TOWNS and Ranking Member ISSA. We worked on this legislation together to address a bill that I believe will be important for the Congress to strengthen its oversight over the executive branch. If we don't pass this, Congress will not be in a strong position to provide legislative oversight. I think everybody agrees that every Member of Congress should do everything to stop unnecessary and wasteful spending. In order to eliminate Federal Government waste, we must know which Federal agencies and programs are working and which are not. We need to examine data of performance efficiency at Federal agencies in order to make responsible budgetary decisions. We need the Senate amendment to H.R. 2142, the Government Performance Results Modernization Act of 2010. The concept is not complicated. We can cut down on the debt by cutting down on waste. With greater government efficiency, we can produce cost savings for every American taxpayer.

This bill will shine light on ineffective Federal programs to root out wasteful spending. Federal agencies are supposed to clearly identify ambitious, high-priority goals and assess their performance and effectiveness to evaluate its direct impact on the American people and the government. This will provide the needed information to make informed budgetary decisions. It also eliminates duplicative, outdated, and unused reporting. In the first year, all old-fashioned, ineffective reporting will be eliminated by 10 percent. And we will continue to streamline across the board. It requires OMB and agencies to submit recommendations to Congress about how to improve the reporting process. This eliminates stacks of unused performance reports that nobody reads or uses at this time. It also heightens transparency to generate government credibility. The information generated will be easily accessible and made publicly available to Congress and the American people.

□ 0930

It also increases government accountability. Federal agencies are held accountable by requiring all agencies to conduct quarterly performance reports on how effectively they are working to meet their goals and to make sure that there is government accountability, and, therefore, we have government accountability. This will lead to government credibility also.

It elevates the role of agencies to bring accountability. Instead of paper-pushing across government, the deputy secretary or chief operating officer is held accountable for the effectiveness and success of the agency. This puts a face and a name to performance of agencies and programs. It creates a mechanism to penalize agencies that fail to meet goals.

This was an amendment that Senator COBURN added over there on the Senate side, and on the Senate side we worked with Senator MARK WARNER, and so I want to thank him, JOE LIEBERMAN, and Senator AKAKA. But we worked closely with Senator COLLINS, Senator VOINOVICH, and Senator COBURN, who added an amendment, the amendment that creates this mechanism to penalize agencies that don't meet its goals. And we at the last minute spoke to Senator JEFF SESSIONS about this particular bill, and this bill got the support. As you know, it was UC'd. It passed unanimously in the Senate yesterday with the input of our Republican colleagues on the Senate side.

The amendment that Senator COBURN added creates a mechanism to penalize agencies that fail to meet goals. Which means, if an agency program has not met its performance goals for a fiscal year, this bill will require action, and this will ensure the goals are met and actively pursued throughout the year.

The bottom line is, this will allow us to provide legislative oversight over the executive branch. Whether it is a Democratic or a Republican President, this is something we need to do. The American taxpayers deserve a government that is transparent, efficient, and accountable, and I ask Members to support H.R. 2142.

We do have Republican colleagues in the Congress here that, when we passed this bill unanimously from the House floor some months ago, we had Republicans that cosponsored this.

So at this time, I would ask Members to support H.R. 2142.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I will be brief.

Mr. CUELLAR, you have been a good Member. You have worked hard on this. We worked together on this.

When this number left the House, it was a different bill. In the first hour of the new Congress, I intend on working hard to bring up a bill that looks more like your original bill, has some additional learning experiences, and try to bring it back as quickly as possible.

I cannot support your bill today. This is not the bill that left the House. It is also a bill that still has $75 million not paid for.

But it's not the $75 million. As much as we talked about paid-for and PAYGO and offset and how do we do things, our real problem here today is that, as it came back from the Senate, it looks an awful lot like somebody just picked up your number and redid your bill.

Now, I know you want this, and you deserve it for the hard work you did. But this bill is simply a series of mandates that codifies a management style that needs no legislation. This legislation does not create something that the President cannot and is not already doing.

We, in Congress, want goal-setting. Historically, we look to OMB, and that goal-setting is intended to be objective, to hold agencies to standards determined not just by their own agency. As the bill is written today, basically, an agency sets its own goals, announces its own goals, and OMB has a secondary role. This does not create a real requirement for performance-based program analysis. The bill that left with an amendment that you very much helped carve, and we did it together, would have done that.

I don't like the idea that, in the day after the day after the day after we probably should have long gone home but we are waiting for the CR, that they bring something on suspension. Given a few days of regular order, given one round-trip to the committee, we could change this. But if we changed it, of course we would be back with the Senate, which UC'd a completely different bill than the one you worked so hard on.

It might pass today, but it won't have my vote, my support, and I will urge and am urging all the Members on both sides of the aisle to defeat the bill, not because you don't deserve a bill with your name on it on this subject. You have worked hard. But because this isn't the bill that you deserve to have become law.

I know you are leaving Congress. You are a good Member who has worked hard on our committee, and I thank you for that. And I promise you, starting January 5, we will work together with you, if you will donate the time, to do the bill you wanted to do. And that, I guarantee you, will be my first priority, if it is not passed today.

I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds all Members to address their remarks to the Chair.

Mr. CUELLAR. Mr. Speaker, first of all, I want to thank the ranking member, who will be the chairman of Government Oversight. I want to thank him and his staff, because we did work on this together.

It went over to the Senate. We were trying to move it over here as quickly as possible. The Senators did make some changes, but the biggest change, I believe, was to reduce the cost. Because, you recall, it was an authorization of $150 million, got cut in half to $75 million, which means that the agencies will be absorbing this cost, so it won't cost any appropriations, number one.

Number two, I believe one of the major amendments was Senator COBURN from Oklahoma, who basically put the teeth on requiring Congress and OMB to take action if an agency or a program doesn't meet those performance goals.

So, again, I respectfully disagree with you on that. But I believe the amendments that Senator COBURN added are actually good, because it does add the teeth or the mechanism to enforce if an agency doesn't do its job by meeting those goals.

I do want to thank again the ranking member and the chairman, also, and the staff on both sides, the Republican staff and our side. We worked on this bill, because this is a bill that Mr. ISSA and I believe strongly in, and TODD PLATTS, also. So I want to say thank you for the work that we are doing. And hopefully we can work on other items. If not, we will be working together on this bill again. But I do want to say thank you for the work that Members on both sides of the aisle have done.

I reserve the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, I think we've both said what comes from our heart. We're losing a good Member who worked hard on our committee. This is not a good bill. This is not the bill he would have done. So I respectfully ask all Members to vote ''no'' on this. I will vote ''no'' not because of the author and not because of his effort, but because it simply isn't good enough.

If we are going to spend even $75 million on new mandates, we have a standard that has to be a standard of excellence, a standard that truly makes improvements, and a standard that in fact does not simply allow the President to do what he already has the power to do. We can do this in the next Congress. We will do this.

Again, Mr. Speaker, I express my interest in working with members of the committee now and members of the committee in the future to fashion a bill with this same name, and, if I'm allowed, even the same number, so that we can pass it in its original form or in an improved form in the next Congress. I reluctantly say we must oppose this bill.

I yield back the balance of my time.

Mr. CUELLAR. I again thank the ranking member. I urge all Members to support H.R. 2142, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2142.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 0940

RECOGNIZING 100TH ANNIVERSARY OF CATHOLIC CHARITIES USA

Mr. CUELLAR. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1621) recognizing the 100th anniversary of the historic founding of Catholic Charities USA.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1621

Whereas Catholic Charities USA was founded in 1910 on the campus of Catholic University of America in Washington, DC, as the National Conference of Catholic Charities;

Whereas under the leadership of Msgr. John O'Grady, who served as Executive Secretary from 1920 to 1961, the National Conference of Catholic Charities became a leading voice for compassionate social reforms grounded in Catholic teachings;

Whereas in 1986, the National Conference of Catholic Charities changed its name to Catholic Charities USA;

Whereas this year, 2010, Catholic Charities USA is celebrating its centennial anniversary;

Whereas Catholic Charities USA is the national office for over 1,700 local Catholic Charities agencies and institutions nationwide;

Whereas Catholic Charities' mission is to provide service to people in need, to advocate for justice in social structures, and to call people of goodwill to do the same by working with individuals, families, and communities to help them meet their needs, address their issues, eliminate oppression, and build a just and compassionate society;

Whereas Catholic Charities USA has the goal of providing strong leadership and support to assist local diocesan agencies in their efforts to reduce poverty, support families, and empower communities;

Whereas Catholic Charities USA, inspired by Catholic teachings, maintain programs focused on poverty in the United States, parenthood, immigration, human trafficking, disaster response and relief, and climate change;

Whereas Catholic Charities USA and its members provide help and create hope for more than 8.5 million people each year, regardless of faith; and

Whereas Catholic Charities USA supports local agencies through advocacy, networking, national voice, training, financial support, and leadership: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and celebrates the 100th anniversary of the historic founding of the National Conference of Catholic Charities, now called Catholic Charities USA; and

(2) honors and praises Catholic Charities USA for being a national leader in the efforts to fight poverty and to strengthen the United States in times of need and crisis.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CUELLAR) and the gentleman from California (Mr. ISSA) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CUELLAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CUELLAR. I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Oversight and Reform, I am pleased to present H. Res. 1621, a resolution recognizing the 100th anniversary of the historic founding of Catholic Charities USA, introduced by our colleague, the gentleman from New Jersey, Representative RUSH HOLT, on September 15, 2010. The measure enjoys the support of over 70 cosponsors.

Mr. Speaker, Catholic Charities was founded in 1910 here in Washington, DC on the campus of Catholic University of America as the National Conference of Catholic Charities. It was created to promote the creation of Catholic Charities across the country, encourage professional social work practice, to bring solidarity to those in charitable ministries and to advocate for the poor.

Today, Catholic Charities serves over 9 million people of all faiths and backgrounds each year. They provide training and technical assistance to member organizations, assist in disaster relief operations, and maintain a range of networks with groups committed to social justice.

Mr. Speaker, let us therefore congratulate the historic founding of the organization through the passage of H. Res. 1621. I urge my colleagues to join me in supporting this.

I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, H. Res. 1621 does what we should do in recognizing really great organizations for the work they do. Catholic Charities for 100 years has represented the best in charity, not as the name might suggest as Catholics or for Catholics, but Catholic Charities are people helping people regardless of their religion around this country. So I join with the majority in urging support for H. Res. 1621.

I reserve the balance of my time.

Mr. CUELLAR. Mr. Speaker, at this time I yield such time as he may consume to the sponsor of the bill, the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, as this session of Congress moves to an end, I would also like to thank the gentleman from Texas for his service and for bringing this up now.

We will recognize with this resolution and celebrate the 100th anniversary of this historic organization that is a force for good, a leading voice in the United States for compassionate service and care and for social reform. More than 1,700 local Catholic Charities, agencies and institutions nationwide carry out the mission to provide service to people in need, to advocate for justice and social structures, to call people of good will to do the same by working with individuals and families and communities to help them meet their needs, address their issues, eliminate oppression, and build a just and compassionate society.

Catholic Charities focuses on poverty, but has important work in parenthood, in immigration, human trafficking, disaster response and relief, climate change and other such things.

Catholic Charities provides help and hope for more than 8.5 million people each year. For example, it provides food service to millions of people; immigration services; refugee services; addiction services; adoption services; temporary shelter; transitional housing; and much, much more, in a compassionate, nonsectarian way.

This really is an example of what we can do together as a community. I see this in New Jersey under the auspices of the bishop of the diocese of Metuchen, Bishop Bootkoski; the bishop of Trenton, Bishop O'Connell; dedicated people, such as Francis Dolan, Joyce Campbell and Marianne Majewski. On the national scene, Rev. Snyder, the national president, provides every day a fine example of how service and care and compassion that are motivated by faith and religious teaching are delivered in a nonsectarian way without proselytizing and available to people of all faiths.

These people let their works, their good works, speak. Communities that are marred by disasters such as hurricanes, fires and floods find Catholic Charities there as one of the greatest providers of financial and technical assistance and training and, most of all, compassion and care.

I ask my colleagues to join me in recognizing 100 years of good works of Catholic Charities USA.

Mr. ISSA. Mr. Speaker, time is short. I believe this will be unanimously passed. And whether it is Father Joe Carroll in San Diego or countless heads of various charities headed by clergymen or lay people around the country, Catholic Charities today, after 100 years, is being honored on behalf of the kind of outreach of people helping people that America does best.

With that, I thank the gentleman for bringing this bill to our attention. I am glad we were able to do this in the 11th hour. I urge its support.

I yield back the balance of my time.

Mr. CUELLAR. Mr. Speaker, first of all I want to say I am returning back to Congress. I want to just put that on the record. So I do look forward to working with Mr. HOLT and Mr. ISSA and other Members.

Again, as this might be the last oversight bill that we have, again I want to thank the Democrat staff, Chairman TOWNS, the ranking member and his staff also for working with us, because I think this committee has done a lot of good work, and I appreciate the work they have done, all of us working together in a bipartisan way.

At this time I will ask Members to support this resolution.

Mr. ISSA. Mr. Speaker, if the gentleman will yield, I join with the gentleman, of course, in supporting this bill. I too look forward to working with the gentleman as he returns in the next Congress. But my notes indicated he was leaving the committee. If that is not true, then I truly look forward to working with him on the committee. If he is on another committee, I look forward to working with him in his new role, but on his legislation.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1621, "Recognizing the 100th Anniversary of the Historic Founding of Catholic Charities USA." Let me begin by thanking my colleague Representative RUSH HOLT for introducing this incredibly important piece of legislation into the House of Representatives, as it is imperative that we recognize and support Catholic Charities' USA 100th anniversary.

Mr. Speaker, as an enthusiast of Catholic Charities USA and co-sponsor of this resolution, I urge my colleagues to support this measure by recognizing the importance of Catholic Charities USA and their 100 years of service to our great nation.

Since the Catholic Charities USA founding in 1910 on the campus of Catholic University of America in Washington, DC, Catholic Charities has worked to establish well over 1,700 local Catholic Charities agencies and institutions around the nation.

The vision of Catholic Charities USA is direct and simple, to help "people in need achieve self-sufficiency." Yet Catholic Charities USA continues to touch hundreds of thousands of lives by providing vulnerable individuals with greatly needed care, nourishment, and compassion. As an advocate for social justice, Catholic Charities USA works to empower committees around the nation maintaining that each individual is entitled to a life of dignity and opportunity that allows each person to reach their full potential. As part of our government, it is dire that we provide our constituents and all Americans with a good quality of life. By recognizing the centennial anniversary of Catholic Charities USA, we are acknowledging the extreme, positive impact of their efforts all over America and the work they do to provide all with a high quality of life,

respect, and dignity. Furthermore, we would be commending and applauding Catholic Charities USA's efforts to provide children, the poor, the disabled, the elderly, and the powerless with resources like housing, food, economic security, health, a place in the workforce, and education.

As for the 18th district of Texas, I would be utterly remiss if I did not take time to recognize and relay my sincerest gratitude for all that the Catholic Charities of the Archdiocese of Galveston-Houston has done, and continues to do in Houston. For over 60 years Catholic Charities has served the human and social service needs of Houstonians by providing communities with programs aimed at promoting and facilitating self-sufficiency. Teaching and preparing one to be self-sufficient is perhaps one of the most beautiful ways to help human kind. The Chinese proverb, ''Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime,'' sheds light on the wisdom of teaching and the importance of self-sufficiency. The Archdiocese of Galveston-Houston employs this lesson through numerous programs for the elderly, refugees and immigrants, and those affected by HIV/AIDS, cancer, and devastating illnesses. One of their greatest outreach missions provided to Houstonians is disaster relief. As you well know Hurricane Ike was a grave environmental catastrophe, leaving many surviving Houstonians in disarray, bereavement, poverty, and great sadness. Yet Catholic Charities offered free disaster recovery assistance for Hurricane Ike survivors in the form of counseling and resources. Additionally, Catholic Charities AIDS ministry provides holistic services to those suffering from HIV/AIDS in form of case management, HIV education, and compassionate non-judgmental responses. Also, through the Share Your Blessings Program, Catholic Charities is working to provide impoverished Houston families with Christmas joy and hope by seeking Angel Sponsors to provide such families with much needed personal items. Catholic Charities services in and around Houston have greatly helped the 18th district and their efforts are to be commended.

Furthermore, Catholic Charities USA is inspired to reduce poverty, support families and parenthood, empower communities, and eliminate oppression. The spirit of this great organization is the embodiment of goodwill towards man, compassion, and social justice. Madam Speaker, I urge my colleagues to stand in support of this measure and to support the 100 years of monumental contributions made by Catholic Charities USA. To give them honor and praise for being a national leader in their efforts to combat poverty, promote social justice, and treat all with dignity.

Mr. Speaker, I believe our body would be slipshod if we were not to pass this extraordinary measure to recognize and support Catholic Charities USA 100th anniversary and their historic founding in 1910 and all that they continue to do to better our society. I urge my colleagues to stand with Rep. HOLT and myself and vote in favor of H.R. 1621, ''Recognizing the 100th Anniversary of the Historic Founding of Catholic Charities USA.''

Mr. CUELLAR. Mr. Speaker, I ask Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and agree to the resolution, H. Res. 1621.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 0950

COMMENDING THE WISCONSIN BADGER FOOTBALL TEAM

Mr. HOLT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1767) commending the Wisconsin Badger football team for an outstanding season and 2011 Rose Bowl bid.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1767

Whereas the Wisconsin Badgers completed a dominant regular season, winning the Big Ten Title, finishing 11 and 1, and earning a bid to the Rose Bowl on January 1, 2011;

Whereas the annual Rose Bowl is the oldest of all college bowl games, and its history and prestige have earned it the title ''The Granddaddy of Them All'';

Whereas the Rose Bowl was first played in 1902 and since 1945 has been the highest attended college football bowl game;

Whereas University of Wisconsin-Madison Chancellor Biddy Martin has exhibited strong leadership for the University of Wisconsin and an unyielding commitment to academic excellence for its student athletes;

Whereas Athletic Director Barry Alvarez, a three-time Rose Bowl winning coach, helped lead the Badgers back to Pasadena, California;

Whereas Head Coach Bret Bielema showed tremendous leadership, guiding the Badgers to an outstanding 11 and 1 season;

Whereas the Badgers have achieved an outstanding overall 49 and 15 record under Coach Bielema's tenure;

Whereas Offensive Coordinator Paul Chryst, a finalist for the Broyles Award as the Nation's top assistant coach, leads a prolific Badger offense, which ranks in the top 20 nationally in scoring, rushing, and total offense;

Whereas the Badgers defeated the number one ranked Ohio State Buckeyes, 31 to 18, on a warm fall night in Madison, Wisconsin;

Whereas this contest featured an electrifying opening kickoff return for a touchdown by David Gilreath, a play that will go down in Camp Randall Stadium history;

Whereas one week after defeating Ohio State, the Badgers dug deep to win at Kinnick Stadium in Iowa City, Iowa, despite missing several key players due to injury;

Whereas senior quarterback Scott Tolzien, the most accurate passer in college football, won the Johnny Unitas Golden Arm Award for his on-field performance, as well as his character;

Whereas for a second consecutive season, the Badger football team features 22 players that were selected to the Academic All-Big Ten team, surpassing the previous record of 19 set in 2007, Coach Bielema's second season;

Whereas senior offensive lineman Gabe Carimi won the Outland Trophy, an honor given to the best interior lineman in college football, in addition to being selected to the Academic All-Big Ten Team as a civil engineering major;

Whereas senior defensive end J.J. Watt is an Academic All-Big Ten Team selection, and winner of the Lott IMPACT Trophy, awarded nationally to a defensive player for his athletic, academic, and community achievements;

Whereas the Wisconsin Badgers had six offensive linemen selected to the All-Big Ten Team, when only five players start at the position;

Whereas the Wisconsin Badgers are the least penalized team in the United States, displaying remarkable discipline and leadership on the field;

Whereas Texas Christian University has also earned a Rose Bowl bid after a successful season;

Whereas the University of Wisconsin looks forward to badgering the Horned Frogs on New Year's Day; and

Whereas Wisconsin Badger fans sold out Camp Randall for the entire season and are known for their loyal and fervent support: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Wisconsin Badger football team for an outstanding season and 2011 Rose Bowl bid;

(2) applauds Coach Bret Bielema for his leadership not only on the football field, but also in the community; and

(3) recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the Wisconsin Badgers make it to Pasadena, California.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1767 in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1767, which commends the Wisconsin Badger football team for an outstanding season and a 2011 Rose Bowl bid. I present this resolution on behalf of Representative BALDWIN. Representative BALDWIN introduced this, and it is supported by others from the Badger State.

The Wisconsin Badgers just completed a dominant regular season, winning the Big Ten title, finishing 11–1, and earning a bid to the Rose Bowl game on New Year's Day 2011.

The Rose Bowl is the oldest of all college football bowl games, first played in 1902. Since 1945, it has been the most highly attended college football bowl game in the country.

I would like to extend my congratulations to the University of Wisconsin-Madison chancellor, Biddy Martin; three-time winning Rose Bowl coach and athletic director, Barry Alvarez;

and Head Coach Bret Bielema, for their outstanding season.

The Badgers have achieved an outstanding overall 49–15 record under Coach Bielema's tenure. For a second consecutive season, the Badger football team features 22 players selected to the Academic All-Big Ten team, surpassing the previous record of 19 set a few years ago. The team also—and this is worth noting—is the least penalized team in the United States, displaying remarkable discipline and leadership on the field.

Mr. Speaker, I would like to thank Representative BALDWIN for introducing this resolution and once again express my support for House Resolution 1767.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Resolution 1767, a resolution commending the Wisconsin Badger football team for an outstanding season in the 2011 Rose Bowl bid.

The 2010 Wisconsin Badgers finished the regular season with a sterling 11–1 record, were co-champions of the Big Ten conference, and earned a trip to the Rose Bowl. The path to the Rose Bowl started early, with a victory over the number one-ranked Ohio State Buckeyes in a nationally televised game, and the season just got better from there.

The Badgers were a prolific offensive machine, averaging 45.2 points per conference game. It was the second highest per game total in conference history. Numerous players earned spots on the All-American teams for their performances on the field this year, including Gabe Carimi, John Moffitt, Lance Kendricks, J.J. Watt, and Johen Clay. Carimi was named winner of the prestigious Outland Trophy, an award given every year to the Nation's best interior lineman.

Of course, all these accomplishments would not have been possible without their head coach, Bret Bielema. Bielema's achievements have also been recognized, as he was recently named a finalist for the Bear Bryant Award, the award given the top college football team in the country.

We wish the Badgers the best of luck on January 1, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I am pleased to recognize the gentlewoman from Wisconsin (Ms. BALDWIN), the author of this resolution, for such time as she may consume.

Ms. BALDWIN. Mr. Speaker, I rise today in strong support of H. Res. 1767, a resolution commending the Wisconsin Badger football team for an outstanding season and for their 2011 Rose Bowl bid.

The Wisconsin Badgers completed a terrific regular season and won the Big Ten title. They finished their season 11–1. They are the least penalized team in the country. The Badger offense ranks in the top 20 nationally in scoring, rushing, and total offense. Twenty-two Badger players were selected to the Academic All-Big Ten Team. And even more exciting, our Wisconsin Badgers earned a well-deserved bid to the Rose Bowl on January 1, 2011.

It has been a pleasure for me to watch our Badger football team excel this season. I know I am joined by fans at home in Wisconsin and, indeed, alumni and fans around the country in feeling great pride in the University of Wisconsin-Madison and this stellar accomplishment. It is true that our football team enjoys very loyal and fervent support from fans and alumni. Badger fans sold out Camp Randall Stadium for the entire season. And what a season it was.

My colleagues may remember a warm night in October when the Badgers defeated the number one-ranked Ohio State Buckeyes 31–18. It was really an incredible game. I'll never forget the opening kickoff return by David Gilreath for a touchdown. And after the game, fans rushed to the field in a sea of red. What a game.

The following week, the Badgers barnstormed into Iowa and beat a strong Hawkeyes team in an inspiring comeback. The Badger defense cemented the 1-point win with a key defensive stand.

The Badgers' success on the field is guided by strong guidance from University of Wisconsin leaders. I would like to acknowledge a few key folks who have contributed to this outstanding season. University of Wisconsin-Madison Chancellor Biddy Martin has exhibited incredibly strong leadership for the University of Wisconsin. Chancellor Martin displays an unyielding commitment to academic excellence for Wisconsin's student athletes and is assuredly a big reason behind this great season.

I also want to acknowledge Athletic Director Barry Alvarez, a three-time Rose Bowl-winning coach, who had a strong hand in helping lead the Badgers back to Pasadena, California.

And, of course, we are grateful to the strong leadership of Head Coach Bret Bielema, who showed tremendous resolve in guiding the Badgers to an outstanding 11–1 season. Indeed, the Badgers have achieved a stellar 49–15 record overall during Coach Bielema's tenure. In addition to his prowess on the field, Coach Bielema is a leader in his community. He does tremendous work to promote breast cancer awareness and survival.

In addition, our Badger defensive coordinator, Paul Chryst, is a finalist for the Broyles Award as the Nation's top assistant coach.

Football fans watch the game because of the skill and talent of the players. At Wisconsin, we're lucky enough to have the privilege of watching players on the field who also show exceptional leadership off the field.

Senior quarterback Scott Tolzien, the most accurate passer in college football, won the Johnny Unitas Golden Arm Award for his on-field performance as well as his character.

Senior defensive end J.J. Watt is an academic All-Big Ten Team selection and winner of the Lott IMPACT Trophy, awarded nationally to a defensive player, for his athletic, academic, and community achievements.

And senior offensive lineman Gabe Carimi won the Outland Trophy, an honor given to the best interior lineman in college football, in addition to being selected to the Academic All-Big Ten Team as a civil engineering major.

As my colleagues know, the annual Rose Bowl game is the oldest college bowl game and its history and prestige have earned it the title of ''The Granddaddy of Them All.'' This 2011 Rose Bowl bid is exciting for the Wisconsin Badgers as well as TCU, Texas Christian University, who we will meet in Pasadena. Wisconsin looks forward to ''badgering'' the Horned Frogs on New Year's Day.

I urge my colleagues to support H. Res. 1767, which recognizes the achievements of the players, coaches, students, alumni, and staff who were instrumental in helping the Wisconsin Badgers make it to Pasadena, California. Regardless of your political affiliation or football allegiance, there's always an open invitation from the Wisconsin Badgers to ''teach you how to Bucky.''

We'll see you in Pasadena. On Wisconsin!

Mr. ROE of Tennessee. Mr. Speaker, I have no further requests for time, but I would like to congratulate the Wisconsin football team. It's difficult for me to be here because they destroyed my small school this year, Austin Peay, but we do appreciate the large check you sent us.

I yield back the balance of my time.

Mr. HOLT. Mr. Speaker, I ask passage of this bill, H. Res. 1767, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the resolution, H. Res. 1767.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOLT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

□ 1000

HONORING ACHIEVEMENTS OF AMBASSADOR RICHARD HOLBROOKE

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the

concurrent resolution (H. Con. Res. 335) honoring the exceptional achievements of Ambassador Richard Holbrooke and recognizing the significant contributions he has made to United States national security, humanitarian causes, and peaceful resolutions of international conflict, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 335

Whereas Ambassador Richard Holbrooke devoted nearly 50 years of his life to public service, working tirelessly to defend United States interests abroad and foster peace amongst warring factions for the betterment of United States and international stability and security;

Whereas Ambassador Holbrooke was a proud New York native who attended Scarsdale High School before continuing his education at Brown University in 1962, where he was editor of the Brown Daily Herald;

Whereas one month after graduating from university, Ambassador Holbrooke, inspired by President Kennedy's call to service, entered the Foreign Service, where he spent the next 6 years focused on Vietnam, including serving with the United States Agency for International Development (USAID) in the Mekong Delta, as an assistant to Ambassadors Henry Cabot Lodge and Maxwell Taylor, as an author of one volume of the Pentagon Papers, and a member of the team led by Averell Harriman and future Secretary of State Cyrus Vance at the Paris Peace talks in 1968;

Whereas from 1970 to 1972 Ambassador Holbrooke served as the Peace Corps Director in Morocco;

Whereas Ambassador Holbrooke was the only person to have served as Assistant Secretary of State for two regions of the world, having served as Assistant Secretary of State for East Asian and Pacific Affairs from 1977 to 1981, during which he was a tireless advocate for the expanded admission of tens of thousands of Indochinese refugees to the United States, and as Assistant Secretary of State for European and Canadian Affairs from 1994 to 1996;

Whereas Ambassador Holbrooke brokered the 1995 Dayton Accords which ended over 3 years of bloody sectarian war that took the lives of more than 100,000 Bosnians;

Whereas Ambassador Holbrooke marshaled many diplomatic and military tools and deftly negotiated concessions from all warring factions that created the conditions for peace;

Whereas Ambassador Holbrooke's relentless pursuit of a negotiated solution to ethnic and religious conflict in Bosnia saved tens of thousands of innocent lives;

Whereas Ambassador Holbrooke served as United States Ambassador to Germany from 1993 to 1994, where he helped to found the American Academy of Berlin, a center for United States-German cultural exchange;

Whereas from 1999 to 2001, Ambassador Holbrooke served as the United States Permanent Representative to the United Nations where he was a critical partner in the implementation of Congressionally-led efforts to lower the dues the United States paid to the United Nations, to implement certain reforms to the United Nations financial system, to settle substantial and longstanding United States arrears to the United Nations, to improve management within the United Nations, to include Israel in the United Nations' Western European and Others Group, to end Israel's longtime exclusion from regional deliberations, to render more effective the United Nations' efforts to address conflicts and save lives in Africa and East Timor, and to raise the profile of public health as a matter of global security, including through debate and passage of United Nations Security Council Resolution 1308 on HIV/AIDS;

Whereas Ambassador Holbrooke continued to marshal international attention and resources to combat the HIV/AIDS crisis by catalyzing the private sector response to the global AIDS pandemic through the Global Business Coalition on HIV/AIDS, Tuberculosis and Malaria, which mobilized corporations to address HIV/AIDS, garnered CEOs to be an advocacy force in the fight, and served as the private sector focal point for the Global Fund on HIV/AIDS, Tuberculosis and Malaria;

Whereas Ambassador Holbrooke served as a steadfast emissary of the United States as the Special Representative for Afghanistan and Pakistan, tirelessly advocating for United States interests and peace in the region, mobilizing unprecedented international support, facilitating economic, transit, trade, and security cooperation between Afghanistan and Pakistan, and working to enhance stability, to build prosperity, and to counter extremism and terrorism in the region;

Whereas Ambassador Holbrooke forged a new civilian-led, multi-agency approach seeking to bring stability and development to the lives of millions striving for a better future;

Whereas Ambassador Holbrooke was one of the most talented diplomats for the United States and possessed a fierce determination and intelligence in advocating for United States security interests around the world, including in Southeast Asia and post-Cold War Europe, at the United Nations, and most recently in Afghanistan and Pakistan;

Whereas Ambassador Holbrooke was a prolific writer and communicator, serving as the Managing Editor of Foreign Policy, authoring works such as ''To End A War'', ''Counsel to the President'', one volume of the Pentagon Papers, and a monthly column in The Washington Post, and sharing the art of mediation with countless audiences;

Whereas Ambassador Holbrooke lent his expertise toward the improvement of management and organization for a host of nongovernmental organizations, serving as a board member of Refugees International, the Council on Foreign Relations, the National Endowment for Democracy, the American Museum of Natural History, and the Citizens Committee for New York City, as Chairman of the Asia Society, as Founding Chairman of the American Academy in Berlin, and as a Woodrow Wilson Scholar;

Whereas Ambassador Holbrooke motivated many Americans to enter public service and served as an inspirational leader and public servant, mentoring countless United States Department of State officers and future ambassadors;

Whereas from Southeast Asia to post-Cold War Europe and around the globe, people have a better chance of a peaceful future because of Ambassador Holbrooke's lifetime of service;

Whereas Ambassador Holbrooke was renowned internationally for his energy, persistence, sharp intellect, and skills of persuasion; and

Whereas Ambassador Holbrooke leaves behind his beloved wife Kati, sons David and Anthony, step-children Elizabeth and Chris, daughter-in-law Sarah, four grandchildren, and countless friends and colleagues: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors the exceptional achievements of Ambassador Richard Holbrooke and recognizes the significant contributions he has made to United States national security, humanitarian causes, and peaceful resolutions of international conflict; and

(2) respectfully requests that the Clerk of the House transmit an enrolled copy of this resolution to the family of Ambassador Richard Holbrooke.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, which recognizes and honors the life and career of one of America's most potent diplomatic assets, Ambassador Richard C. Holbrooke.

For opening comments, I yield as much time as she may consume to someone who was a close and great friend of his. She is the chair of the Foreign Operations Subcommittee of the House Appropriations Committee, the chief sponsor of this resolution on which the ranking member and I have joined, the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in support of H. Con. Res. 335, a concurrent resolution in remembrance and appreciation of Ambassador Richard Holbrooke.

The passing of Ambassador Holbrooke on Monday, December 13, is a great loss for the American people. One of our Nation's most talented diplomats, Richard Holbrooke possessed a fierce determination and unsurpassed brilliance in advocating for American security, diplomatic and development interests around the world—in Southeast Asia and post-Cold War Europe, at the United Nations, and most recently in Afghanistan and Pakistan. His exceptional accomplishments as a peacemaker, diplomat, writer, scholar, manager, and mentor will define his legacy as one of the true great foreign policy giants of our time.

I was honored and privileged to have known Richard Holbrooke from his time brokering the Dayton Peace Accords, helping to end the ethnic cleansing and genocide in the Balkans. His political acumen, deft maneuvering and relentless, dogged pursuit of peace saved tens of thousands of innocent lives in Bosnia and helped to stabilize one of the most volatile regions in the world.

In his role as Special Representative to Afghanistan and Pakistan, it was a privilege to work with him as our Nation navigates an intractable situation for regional and global security.

Throughout his career, he served the United States as a tireless advocate, loyal patriot and tenacious fighter for U.S. interests. Richard Holbrooke was a giant of diplomacy and a trusted voice for me and many other Members of Congress who valued his counsel. Our Nation owes him a debt of gratitude for his many years of service.

My thoughts and prayers and deepest sympathies are with his beloved wife, Kati; his children and grandchildren; and countless friends and colleagues.

We will miss you, Richard. Rest in peace, my friend. However, I know your wise advice will continue to guide us.

I urge all of my colleagues to support this resolution in honor of one of our country's greatest diplomats.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution of which I am proud to be an original cosponsor.

I want to thank my good friend from New York, Congresswoman NITA LOWEY, for her timely work in authoring this resolution; and of course I thank my chairman, Mr. BERMAN of California, as well.

The sudden and unexpected passing of Ambassador Richard Holbrooke earlier this week was a shock to all of us. The depth of sadness that we felt at the news was a testament to his exemplary life of service to our country in so many different capacities.

Ambassador Holbrooke was one of the most consequential world diplomats of the last half century, and his tireless work in pursuit of United States national interests and international peace have put us all in his debt.

His advocacy for peace was, of course, most clearly shown during the conflict in Bosnia. His tenacity and force of will brought the warring parties to the negotiation table in Dayton, Ohio, where he skillfully brokered the accord that ended over 3 years of atrocities and bloody conflict.

□ 1010

Over 100,000 perished in the Bosnian war, and it is impossible to say how many thousands may have been saved by Ambassador Holbrooke's actions at Dayton. And while that accomplishment would have been enough to mark any diplomatic career with high distinction, it was only one of the many facets of his service which continued to the very end of his life. As Assistant Secretary of State for two regions of the world, East Asia and Europe; as United States Ambassador to the United Nations; and as U.S. Special Representative for Afghanistan and Pakistan, he made his mark on many issues that remain urgent concerns today. In New York at the U.N., he did much of the heavy lifting on congressionally led efforts to rein in U.N. spending, to make more equitable the dues paid by the United States, and to improve the standing of Israel in that multinational body.

Sadly, those concerns have returned with a renewed urgency—with the need for fundamental reform of the U.N. budgets and the virulently anti-Israel U.N. Human Rights Council—and the Congress can only hope to have such a tenacious, principled partner in the future.

Ambassador Holbrooke made his final appearance before our Committee on Foreign Affairs in the spring of last year as U.S. Special Representative for Afghanistan and Pakistan. We lament the loss of his matchless skills in those critical regions. We grieve at his passing, but let us honor his service by renewing our own commitment to success in Afghanistan.

At this time we extend our condolences, our thoughts, and our prayers to his wife Kati and to his children. While we mourn the loss of a dedicated public servant, they mourn the loss of a husband and a father.

I urge all of my colleagues to join me in this expression of gratitude for the service of Ambassador Richard Holbrooke.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to my colleague the gentlelady from California (Ms. HARMAN), someone who worked for a very long time on issues with Ambassador Holbrooke.

Ms. HARMAN. I thank the gentleman for yielding and I am very pleased that our colleague NITA LOWEY has brought this resolution to the floor.

Mr. Speaker, after learning some encouraging news about Richard Holbrooke's condition last weekend, hearing that my friend had died felt like a sucker punch. Four days later, it still does.

I suppose, in an ironic way, Richard would smile at the enormous impact he had on friend and foe alike. He was a life force, a force of nature—someone always operating on multiple levels, in high gear, and in more than three dimensions. I used to chafe when in the middle of a phone call he would put me on hold to talk to someone else. But I bet he did that to everyone.

He was a consummate juggler—the master diplomat. He knew precisely what he was prepared to tell someone, and what he was not. Though it takes years to settle on how history will view someone, my guess is Richard Holbrooke will be considered, hands down, as the best diplomat of our generation. Indeed, he will be in a small pantheon that includes Benjamin Franklin, Thomas Jefferson, and Averell Harriman.

But the public Richard is not all of it: The private Richard was a generous and loyal friend. Before joining the Obama administration, he chaired the Global Business Coalition on HIV/AIDS. For a time, one of our grandchildren was on its staff. He loved her, and forever after asked about her life and her boyfriends. No question the huge staff he built over his many careers over many years is devastated by his untimely death. Surely Megan Quitken is. To Kati, whom he adored, and the extended Holbrooke family, we mourn your loss—and our country's loss.

I like to think that Richard has just put us all on hold while he takes another call.

Ms. ROS-LEHTINEN. I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to the Speaker of the House of Representatives, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the chairman for yielding and I commend him and Ranking Member, soon-to-be Chairwoman ILEANA ROS-LEHTINEN for giving us this opportunity to address the resolution presented by our chairwoman, Congresswoman NITA LOWEY, who chairs the Foreign Ops subcommittee.

All of you on Foreign Affairs and on Foreign Ops in appropriations know full well the magnitude of the leader that Richard Holbrooke was. As I address some personal remarks about him, I want to say how significant it was that he understood the important role that Congress plays in our foreign policy, whether it was as the Ambassador to the United Nations, whether it was in his work forging a peace agreement, the Dayton Accords, or whether it was in his role now as Special Envoy to Afghanistan and Pakistan.

He would come to Capitol Hill bringing his tremendous and brilliant mind, his great intellect, his boundless energy, and his sense of humor. He had a tenacity about him that was unsurpassed. His determination was palpable. You could see it in the air. When he addressed an issue, you knew that a solution would be found and he, indeed, worked very, very hard in all that he did; but he also brought, as I say, a brilliant, great intellect.

With the passing of Ambassador Holbrooke, our country has lost a brilliant and respected diplomat. We have—but his life and his legacy will continue to affect our search for peace in the world, resolution of conflict, improving relationships among countries, having a values based American foreign policy.

He was a strong fighter for peace throughout the world and an advocate for American values at the United Nations. He will be long remembered, again, for forging the agreement among bitter rivals to end 3 years of bloody sectarian war in the former Yugoslavia. Now that peace is in the region, it is hard to remember how bitter that fight was, one forever, that went on for a long time.

I just want to say this aside, just to tell you the magnitude of the task that

he had. When Adolf Hitler was asked how he learned the power of hatred, he said he learned it by watching the Balkans, people who had come to Vienna, settled there in some ghettos, and he saw how they interacted among themselves in a very, very bitter way. That gives you a flavor for the attitudes of people in the region.

They came to the table in Dayton. Richard Holbrooke understood, he put himself in the shoes of each of these rivals, and was able to forge an agreement. It was quite historic. Again, the force of his determination was key to securing peace, restoring hope, and saving lives. It was really monumental. It is thought that his work in the Balkans saved thousands of lives.

Today, as the resolution states, Congress recognizes him for the monumental contributions he has made to United States national security, humanitarian causes, and peaceful resolutions of international conflict.

Again, all of us who have worked with him admired his great intellect and tenacity to resolve conflict. When we got news of his passing, which was shocking to all of us, we immediately flew a flag over the Capitol that evening in his name. How appropriate—this great patriot—how appropriate that there would be a flag flying in his name over the Capitol of the United States. I think that is a tremendous, tremendous tribute.

I hope it is a comfort to Kati, our dear friend—many of us are personal friends of the Holbrookes—to his children, to their children and to the many who loved him that so many people in our country and throughout the world mourn their loss with a deep, deep sadness and that we are praying for them at this sad time.

□ 1020

Ms. ROS-LEHTINEN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 1 minute to my colleague from Ohio, the State where Ambassador Holbrooke's most difficult and successful diplomatic effort took place, Ms. KAPTUR.

Ms. KAPTUR. I want to thank the distinguished chairman of the committee, my friend, HOWARD BERMAN, for yielding me this minute to use this resolution in recognition of Ambassador Richard Holbrooke as a moment to extend the deepest condolences from the people of Ohio to Kati and to his family, to all those whose lives he touched and tried to heal.

I can remember one time in Cleveland, Ambassador Holbrooke during one large gathering walking through meetings with his garrulous nature, and full of life, and keeping Ohio in a very special corner of his heart. I remember how proud he was of his own heritage, of his wife's heritage, and how hard he worked for our country. One can only imagine all those flights from capital to capital to capital trying to piece together the Dayton Peace Accord and his absolutely indefatigable efforts on behalf of peace around the world.

He will truly, truly be missed by the people of Ohio. I am just very fortunate to be a Representative from that State who had the privilege of knowing him and working with him over the years. And America is better, the world is better, because of his life.

I thank the gentleman for yielding and allowing me this time on the floor today.

Mr. BERMAN. Mr. Speaker, I yield 1 minute to our retiring colleague from California, herself with diplomatic experience, Ambassador DIANE WATSON.

Ms. WATSON. Mr. Speaker, I take great honor in coming and saluting Ambassador Holbrooke. He was a person that we can all be proud of, because among ambassadors, he stood above them head and shoulders and represented the will and the morality of our country around this globe.

Being a member of that elite corps is something that will always remain deep in my heart and my mind that I had the privilege of serving 2 years as an ambassador myself. And during the 6 weeks of training that we had, Ambassador Holbrooke was always held as the standard by which we performed our duties for the United States of America.

I offer my condolences to his family and his broad global family from the State of California. I'm very proud to have served with him in that department. It was a short period of time, but oh, what an experience. May God bless the family, and I know he's up there presiding over all of the matters that will affect our countries and bring peace. God bless.

Ms. ROS-LEHTINEN. I have no further requests for time, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

We have heard from the Speaker of the House; from the author of the resolution, Mrs. LOWEY; from Ambassador Holbrooke's dear friend, and of a variety of aspects both of his accomplishments and of his nature, and it was quite a series of accomplishments, in all parts of the world, in the diplomatic sphere, in the development assistance sphere, in southeast Asia, in the Balkans, obviously more recently in South Asia.

What I would love to do here on the House floor, because I think in a way it might best illustrate what I could say about his talents, was just to speak to the details of six or seven interventions and times that I dealt with him on a particular project over the years, but I feel like I would be bringing WikiLeaks to the House floor were I to go through all of those.

So I will restrain myself just to say he truly was one of a kind. We will miss his brilliance, his energy, his ability to play chess, to see the long term and the unbelievable force of his personality.

Ms. WATERS. Mr. Speaker, I rise to honor Ambassador Richard Holbrooke, who unexpectedly passed away this week. My husband, Ambassador Sidney Williams, and I are very saddened that friend is no longer with us.

We first had the opportunity to meet Ambassador Holbrooke during diplomatic training in 1993. Sidney and Richard had recently been appointed by President Bill Clinton to serve as the Ambassadors to the Bahamas and Germany, respectively. As is required of the spouse of an incoming Ambassador, I also went through training to understand certain diplomatic protocol and procedure.

I have fond memories of that time, and I remember Richard as an extremely bright, articulate, and worldly man. He had an imposing presence, a keen intellect and a sharp wit, which had clearly served him well in the decades he trotted the globe making peace, shaping policy, and advancing our interests abroad.

Shortly after we met, he was dispatched to serve as the key negotiator to the 1995 Dayton peace accords, which ended the Bosnian War. I remember thinking that they could not find someone with more expertise or wherewithal to undertake such a complex and important task.

Whether in Vietnam or Afghanistan, the Johnson administration or the Obama administration, a dais at the United Nations or the theater of war, Richard served our country and the international community with grace, with strength, and with distinction.

Our diplomatic community, indeed, our country, has lost a tried and true public servant. During this difficult time, I take some comfort in knowing that the world is a better place because of Ambassador Richard Holbrooke, and I hope anyone who knew him will do the same.

My husband and I extend our deepest sympathies, our thoughts and our prayers to his wife, his children, his family and his many friends and colleagues.

Mr. ROE of Tennessee. I rise in support of this resolution, of which I am proud to be an original cosponsor.

I want to thank my good friend from New York, Representative LOWEY, for her timely work in authoring this tribute.

The sudden and unexpected passing of Ambassador Richard Holbrooke earlier this week was a shock to all of us.

The depth of sadness that we felt at the news was a testament to his exemplary life of service to our country, in so many different capacities.

Ambassador Holbrooke was one of the most consequential world diplomats of the last half-century, and his tireless work in pursuit of United States national interests and international peace have put us all in his debt.

His advocacy for peace was of course most clearly shown during the conflict in Bosnia.

His tenacity and force of will brought the warring parties to the negotiation table in Dayton, Ohio, where he skillfully brokered the accord that ended the over 3 years of atrocities and bloody conflict.

Over 100,000 perished in the Bosnian war, and it is impossible to say how many thousands were saved by Ambassador Holbrooke's actions at Dayton.

And while that accomplishment would have been enough to mark any diplomatic career with high distinction, it was only one of the many facets of his service, which continued to the end of his life.

As Assistant Secretary of State for two regions of the world—East Asia and Europe, as United States ambassador to the United Nations, and as U.S. Special Representative for Afghanistan and Pakistan, he made his mark on many issues that remain urgent concerns today.

In New York at the U.N., he did much of the heavy lifting on Congressionally led efforts to rein in U.N. spending, to rationalize the dues paid by the United States, and to improve the standing of Israel in that multinational body.

Sadly, those concerns have returned with a renewed urgency—with the need for fundamental reform of U.N. budgets and the virulently anti-Israel U.N. Human Rights Council (so called)—and the Congress can only hope to have such a tenacious, principled partner in the future.

Ambassador Holbrooke made his final appearance before our Committee on Foreign Affairs in the spring of last year, as U.S. Special Representative for Afghanistan and Pakistan.

We lament the loss of his matchless skills in those critical regions.

But while we grieve at his passing, let us renew our own commitment to success in Afghanistan as a fitting way to honor his service toward that end.

At this time we extend our condolences, our thoughts, and our prayers to his wife Kati, and to his children.

While we mourn the loss of a dedicated public servant, they mourn the loss of a husband and a father.

I urge all of my colleagues to join me in this expression of gratitude for the service of Ambassador Richard Holbrooke.

Mr. NYE. Mr. Speaker, I rise today to honor the man behind so many pivotal diplomatic achievements that have improved the lives of so many around the world and made our Nation safer: Ambassador Richard Holbrooke.

As a former Foreign Service Officer I first met Ambassador Holbrooke while I was serving at the U.S. Embassy in Macedonia, and most recently during a congressional delegation I led to Afghanistan. I will remember him as a key figure in the middle of many delicate, quintessential diplomatic negotiations.

Few Americans have left as big a mark on U.S. foreign policy as Ambassador Holbrooke. From his historic role brokering peace in the Balkans, to his final mission in the Afghanistan and Pakistan region, Ambassador Holbrooke had a fearless love for his country. He shied away from nothing, always diving head-first into the challenging issues of his time.

With the passing of Ambassador Holbrooke our country, and indeed the world, has lost a brilliant and respected diplomat. But his legacy will live on in the improved relationships we now have with countries in the world's toughest regions.

My heart and prayers are with his wife Kati, his sons David and Anthony, his stepchildren Elizabeth and Chris Jennings, and his daughter-in-law Sarah.

Ms. JACKSON LEE of Texas. Mr. Speaker, on Monday, I was extremely saddened to hear about the death of Ambassador Richard Holbrooke. He was a great leader and a dedicated representative of peace and democracy throughout the world. I extend my deepest condolences to Ambassador Holbrooke's family, his wife Kati Marton, his brother, Andrew, and his children, David, Anthony, Christopher and Elizabeth.

Ambassador Holbrooke has had a tremendous career with the United States State Department, which began with a response to President Kennedy's call to service for government work in the early 1960s. Ambassador Holbrooke was undoubtedly a public servant ever since his graduation from Brown University in 1962, when he joined the Foreign Service and was sent to Vietnam. At the young age of 24, Richard Holbrooke, an expert on Vietnam issues, was appointed to a team of Vietnam experts, the Phoenix Program, under President Lyndon B. Johnson. Ambassador Holbrooke has always been a champion of peace and democracy, and this began at a young age with a profound dedication to the United States' international diplomacy efforts.

Since beginning his career in foreign policy at such a young age, Ambassador Holbrooke was always at the forefront of international political issues, whether it was as a public servant at the 1968 Paris Peace Talks, Director of the Peace Corps in Morocco, or as a the editor of Foreign Policy magazine. Ambassador Holbrooke will always be an archetype of United States diplomacy, and his resume only serves to demonstrate how he has been consequential to diplomacy in some of our generation's most tumultuous events.

Ambassador Holbrooke never relented in his efforts to expand his efforts to pursue U.S. interests of diplomacy and democracy internationally. In 1977, under President Carter, Richard Holbrooke was Assistant Secretary of State for East Asian and Pacific Affairs. As the youngest person to have been appointed to that position, Ambassador Holbrooke oversaw the normalization of relations with China in 1978, and the warming of the cold war during his tenure. His diplomatic achievements do not culminate with the establishment of diplomatic relations with China—instead they continued, and arguably exceeded anyone's expectations.

When President Clinton took office in 1993, Mr. Holbrooke returned to work for the United States Government with the State Department. His first appointment was as the U.S. Ambassador to Germany, where he participated in the founding of the American Academy in Berlin as a cultural exchange center.

In 1994, he returned to Washington after being appointed by President Clinton to be the Assistant Secretary of State for European and Canadian Affairs, where he was the lead negotiator in the Balkan Wars. He was strategic in establishing a lasting peace at the Dayton talks that undoubtedly saved thousands of lives. The 1995 Dayton peace accords ended the war in Bosnia—but it required an agreement by the three warring factions, the Serbs, the Croats, and the Bosnian Muslims. Holbrooke's role in this is lasting; he ended the 3-year war, and helped develop the framework for dividing Bosnia into two entities, one of the Bosnian Serbs and another of the Croatians and Muslims. Ambassador Holbrooke is a hero of U.S. diplomacy, and undoubtedly had tremendous importance in facilitating peace, in whatever form, in Bosnia.

After playing a key role in the Dayton Peace Talks, President Bill Clinton named Mr. Holbrooke as the representative of the United States to the United Nations. Holbrooke's time as the United Nations Ambassador was highlighted in his addressing the problems of global HIV/AIDS. He advocated to United Nation peacekeepers that it was their responsibility to help prevent HIV/AIDS and invited Vice President Al Gore to speak before the Security Council to highlight the growing epidemic. Ambassador Holbrooke warned that the medical section of the peacekeeping department has been under-staffed and suggested that all peacekeepers include the cost of AIDS tests in the budget of future missions. Mr. Holbrooke has been a strong advocate for HIV/AIDS issues having worked with the Global Business Coalition on HIV/AIDS and the Congressional Black Caucus (CBC) during his time as United Nations Ambassador to the United States. During his tenure, Ambassador Holbrooke invited members of the CBC to visit the U.N. Ambassador Holbrooke demonstrated his drive to securing international health and peace, in his lifetime of dedication to diplomatic efforts.

His work never ceased, and it continued with President Obama. Under the Obama administration, Ambassador Holbrooke was appointed Special Envoy to Pakistan and to Afghanistan—a region that contains the United States' greatest national security concerns. Just as his responsibility unfolded in the Balkans, his responsibility in Pakistan and Afghanistan posed a major challenge that would not have an easy solution. As we all know, the problems in Afghanistan and Pakistan are multidimensional and are problems that could not be solved overnight. Ambassador Holbrooke knew this, yet he commendably took on the role, and worked courageously and diplomatically in a densely complicated region.

Ambassador Holbrooke was the intermediary between Afghanistan, Pakistan and the United States. Ambassador Holbrooke was fighting, diplomatically, to stabilize the often unpredictable and always fluctuating region. The fight continues to be multifaceted, and Ambassador Holbrooke dealt with fragile economies, containing corruption within governments and elections, destabilizing the Taliban resurgency, a rampant narcotics trade, the presence of Al Qaeda, and maintaining peace and security, all while promoting United States diplomatic efforts. Representing the United States, Ambassador Holbrooke worked to promote economic development in Pakistan through the Kerry Lugar Berman Bill, and worked with the Afghani government and administration to reduce U.S. combat troops and to forge a lasting peace in the region.

He is an example to us all, his life was foreign policy, his dedication was to the United States, and his motivation was diplomacy. Ambassador Holbrooke will always be regarded as a true American diplomat, one who strived for international peace throughout his entire career, of nearly 50 years, as a public servant.

We lost a great American peacemaker this week. Ambassador Richard Holbrooke gave his life to the cause of peace. His work over the years speaks for itself, but most importantly, the call that he accepted on behalf of Americans to serve in Afghanistan and Pakistan will resonate for decades. Ambassador Richard Holbrooke was my friend and will never be forgotten.

Mr. BERMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 355, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

REDUCTION OF LEAD IN DRINKING WATER ACT

Mr. DOYLE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3874) to amend the Safe Drinking Act to reduce lead in drinking water.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reduction of Lead in Drinking Water Act''.

SEC. 2. REDUCING LEAD IN DRINKING WATER.

(a) IN GENERAL.—Section 1417 of the Safe Drinking Water Act (42 U.S.C. 300g–6) is amended—

(1) by adding at the end of subsection (a) the following:

''(4) EXEMPTIONS.—The prohibitions in paragraphs (1) and (3) shall not apply to—

''(A) pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or

''(B) toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.''; and

(2) by amending subsection (d) to read as follows:

''(d) DEFINITION OF LEAD FREE.—

''(1) IN GENERAL.—For the purposes of this section, the term 'lead free' means—

''(A) not containing more than 0.2 percent lead when used with respect to solder and flux; and

''(B) not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

''(2) CALCULATION.—The weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula: For each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with paragraph (1)(B). For lead content of materials that are provided as a range, the maximum content of the range shall be used.''.

(b) EFFECTIVE DATE.—The provisions of subsections (a)(4) and (d) of section 1417 of the Safe Drinking Water Act, as added by this section, apply beginning on the day that is 36 months after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DOYLE) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DOYLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DOYLE. Mr. Speaker, I yield myself as much time as I shall consume.

Mr. Speaker, I'm honored to manage consideration of S. 3874, the Reduction of Lead in Drinking Water Act. This is the Senate companion to Ms. ESHOO's bill, the Get the Lead Out Act. This bill will update the national lead content standard to nearly eradicate lead in faucets and fixtures which currently contribute up to 20 percent of human lead exposure, according to the EPA.

In a 21st century America, we have a responsibility to do more to protect our children and families against the lead exposure acquired through plumbing systems. The Safe Drinking Water Act, which determines the national lead content standards, currently allows up to 8 percent lead content for faucets and other plumbing fixtures and limits the amount of lead that can leach from plumbing into drinking water.

But health studies have concluded that much smaller amounts of lead exposure can have serious impacts on children and adults, including kidney disease, reduced IQ, hypertension, hearing loss, and brain damage. States have recognized this threat, and in 2006, California enacted the toughest lead content standard for drinking water faucets, fittings, and plumbing systems anywhere in the world. Since then, Vermont and Maryland have also adopted identical laws, and the District of Columbia and Virginia are considering similar legislation.

□ 1030

This bill mirrors the California legislation and will provide for a consistent and effective national standard to ensure that no one will be exposed to a serious health threat which can easily be avoided. This legislation has garnered the support of State health officials, numerous children's health organizations, prominent national environmental organizations, local governments, scientific associations, and national drinking water associations. The Plumbing Manufacturers Institute, the association that represents all major faucet companies and other manufacturers of drinking water plumbing fittings, also supports this legislation.

On December 16, this bill passed the Senate unanimously with bipartisan support. I urge my colleagues to vote for this critical bill in the House today.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, good morning. I rise in opposition to Senate bill 3874 that was introduced by BARBARA BOXER of California, the Reduction of Lead in Drinking Water Act, and urge my colleagues to do likewise.

I want to be clear that simply by opposing this bill, I do not support lead in drinking water, obviously. Let's clear the air on that. Rather, I am opposed to the manner in which this bill tackles the problem and, simply, Mr. Speaker, the unintended consequences that could result. So bear with me.

This legislation lowers the Federal limit for lead allowed in the manufacturing of certain plumbing fixtures that come into contact with water that Americans drink. However, reports in The Washington Post and testimony before Congress suggest that lead service lines are the biggest culprits of leeched lead. People should not mistake this bill as a panacea when other actions like corrosion protection and other treatments, including some lead line replacement, have just as much, if not more, impact on what this legislation purports to do.

Second, we need an education component to this bill. I urge my colleagues to vote against this bill so we can get an education component part of it. I am concerned that do-it-yourselfers, much like me, are going to see this legislation pass, think that their existing faucets are toxic fountains, go to their hardware store to get a new faucet, cut their home piping, thereby releasing lead shavings into their home's pipes, and wind up with water streaming from their faucets with even more lead than had they just left the faucet alone.

And, third, I know many of this bill's supporters believe we need this bill in order to prevent disparate standards among the States and that much of the industry is either meeting the most stringent State standards or is ready to make the move to do so. But, Mr. Speaker, I am not convinced, though, that this bill will provide the kind of preemption that prevents States from enacting different laws after this bill's enactment. The 50 States could do that. If the major producers of faucets in this country are already making the kinds of changes that the bill seeks, and the bill does not solve this preemption problem, then why do we have to pass a Federal bill in the first place?

And, finally, my colleagues and, importantly, the Congressional Budget Office estimate for identical provisions in a House bill projected the cost of the mandate in this bill, introduced by BARBARA BOXER, would be the additional costs to manufacturers, importers, or users associated with producing or acquiring compliant products.

So based on information from industry sources, CBO wrote on July 27, 2010, to expect that some manufacturers would already be in compliance with the new standard because of existing

standards in some States, for example, California, Maryland, and Vermont: ''However, information from those sources suggest that the incremental cost of manufacturing or importing such products would total hundreds of millions of dollars to the private sector in at least some of the first 5 years the mandate is in effect.'' Some of those costs could be passed through to end users, including public entities.

While the additional cost to State, local, and tribal entities could be significant, CBO estimates that those costs would total less than the annual threshold established in the Unfunded Mandate Reform Act in 1995 for intergovernmental mandates.

Now what does that mean? Let me just explain. Just because it doesn't create unfunded mandates on the United States Government doesn't mean it is not going to create a huge amount of unfunded mandates on the private sector. In fact, this would be a large cost for the private sector, even though the advocates for this bill will say there is no unfunded mandates on the government.

To be fair, the industry has challenged these figures that the proponents of this bill have suggested, and most companies will just simply pass their costs along in a highly competitive market. When you look at this bill, the industry is saying that at a maximum the best guess would be almost a 3 percent increase to consumers if and when they need a new faucet valve or fitting. This is not the kind of disparity that we need. We should be able to reconcile these numbers before American jobs are challenged by this bill.

So, Mr. Speaker, there are probably some very worthy reasons to pass this bill, including perhaps stopping bad products produced overseas from entering the stream of U.S. commerce, and we know counterfeit products will be provided. However, and unfortunately, the issues that I have mentioned outweigh the good intentions of this bill that was introduced by BARBARA BOXER in California, and I would urge my colleagues to oppose its passage.

I reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would say to my friend—and he is my good friend—that the bill passed unanimously in the Senate. I know he likes to invoke Senator BOXER's name a lot. But the fact of the matter is, every Republican and every Democrat in the United States Senate supported this bill.

I would like to make a couple of points. He talks about the lead in the service lines. And that's true, utility companies—and we have literally dozens of utilities that are in support of this bill—are already constantly making efforts to get lead out of their lines. What we are trying to do is not to make that an exercise in futility by allowing the faucets to return the lead into the lines that they are working so hard to take out.

We talk about preemption. Right now, the standard is 8 percent, so that's a maximum. And the gentleman is correct: a lot of States have gone under that 8 percent limit. But the new standard that we are proposing, the 0.25 percent, is state of the art. That is about as low as you can get it, based on the technology that we have available today. So in effect, the idea that States would somehow be able to preempt and go below that, it just isn't possible as we speak today. So it sort of deals with the preemption issue.

The bill doesn't require people to buy replacements. No one is forced to replace their faucets. And lastly, and dealing with the issue of cost, I have a letter from the Plumbing Manufacturers Institute, and I would like to quote from it. In the one paragraph dealing with cost, it says: ''It is safe to say that this one-time cost for faucet manufacturers will not be anywhere in the magnitude of 'hundreds of millions of dollars' as set forth in the House report for H.R. 5320, the AQUA bill. Unfortunately, the faucet industry source for those numbers failed to vet the calculations with the industry representatives prior to providing the estimate to CBO. We find those numbers to be unreliable and greatly exaggerated.''

The SPEAKER pro tempore. The time of the gentleman has expired.

□ 1040

Mr. DOYLE. I yield myself an additional 30 seconds.

So when you put this all together and you see that we have a piece of legislation here which passed the Senate unanimously, and we have an opportunity to set a national standard which is state of the art with the technology that we have today, at a cost that the industry has said is minimal, and many are already complying with, it seems that it would be a shame to let this opportunity pass to protect the health of millions of Americans by making changes that are not onerous on the industry by their own letter, and they endorse the bill and it had unanimous support in the Senate. I would hope that my colleagues in the House will see fit, in a bipartisan fashion, to do this for Americans, make people more safe, improve the quality of water that Americans drink, and do so at a cost that is not onerous to the public or the industry.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

The gentleman will realize, of course, that oftentimes a bill has a wonderful-sounding name on it. And bills sometimes pass here by unanimous consent; and lo and behold, we go back and find there are unintended consequences. I submit to the gentleman that when the Senate passed this, they might have done that under the same auspices. And I suspect if they looked at it carefully, particularly some of the folks over there that I know, they would not have been in unanimous support of this.

Also when you talk about the Plumbing Manufacturers Institute, as you know, lots of times when people are quoted down here, there are sometimes, and I'm not saying this is always true, but sometimes there is vested interest in an issue. We see sometimes on the floor some people are proponents of an issue, and lo and behold there is some perhaps indirect, discrete, perhaps some vested interest. I have not seen the Plumbing Manufacturers Institute letters, I am not familiar with that, but I suspect I could find a letter on this side that would refute the Plumbing Manufacturers Institute. In fact, we have many people who have pointed out to us that this is going to increase cost.

So your other argument that people will not react, I have seen people react, particularly young families who perhaps think that there might be lead in the water with their infants, and they might overreact. And what happens when new detection levels are achieved?

So I would say to my friend that we have here a clear case of a difference of opinion. Here we are in 2010 before the Christmas holidays, and we are still talking about something that I think for the most part even you admitted it, a lot of the States are complying and are underneath the requirement. So if that is true, why do we need the bill? You are even making my argument of why do we need this bill that would have unintended consequences when you admit yourself that the States now are underneath the requirement.

I think all of us do not want to have lead in our water. All of us believe that there is some reason for Congress to get involved and to make sure that States comply to Federal preemption and that we also continue to monitor this and see what the latest detection levels are.

But I submit I have been in Congress a number of years, just as you have, and we have specified again and again requirements to not have lead in our water. So I think at this point this bill is probably an overstep, an overreach. And taking your own comment that a lot of the States are underneath the requirement, I'm not sure that we need the bill.

I reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself 2 minutes.

I would just say to my friend that Senator INHOFE and Senator ALEXANDER are cosponsors of this bill. I think those two gentlemen, very conservative gentlemen, I think my friend would agree, have looked at the bill and are cosponsors of the bill. I would also say to my friend that I would be happy to share a copy of my letter from the Plumbing Manufacturers Institute with him if he would like to share a letter that he has from anyone who contradicts this. I believe we have shared this letter with your staff, and I hope you would look it over.

I would say to the gentleman and my colleagues, Mr. Speaker, I think we

should try to do the best we can do for the American people when it comes to their health. It is true that a handful of States have already adopted lower standards, but it is just a handful of States. We have 50 States, and over 40 still have not done this. So I think it is important we set a national standard. This will in effect set a national standard which uses the best technologies available to get us as low as we can based on what we know today.

The industry has said that we can do this at minimal cost to the industry. We force no individual to buy replacements. This is something people can choose to do if they want to. I think most families will take advantage of this. For the average faucet, if you look at a faucet that is about $85, and everyone knows when you go into a store, you can buy faucets that cost $500, and you can buy faucets that cost $30 or $40, or anywhere in between. But if you look at the average, which is around $80, what we are talking about is somewhere between $1.70 extra on a faucet, so we are not talking about a big cost.

As I said, I have the industry letter, which I am happy to share with you, saying that they think that it is a good thing, too.

So I would just say to my colleagues, let's do the best we can for all of America. Sure, a handful of States have already taken the lead and have gone further.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DOYLE. I yield myself an additional 30 seconds.

When people's health and safety is involved, we should never skimp on that. If we are going to err, let's err on the side of doing the most we can do based on the technology we have with a bill that does not put any onerous burden on manufacturers, by their own statements, and which many dozens of organizations and utility companies support and that has the support of conservative Senators, cosponsors like Senator INHOFE of Oklahoma and Senator ALEXANDER of Tennessee, and a unanimous vote in the Senate. Let's have a unanimous vote here in the House.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Let me first of all say, when you are quoting conservatives, the former chairman of the Energy and Commerce Committee, Ranking Member JOE BARTON, is against this bill. So when you talk about who is the spokesman in the House, JOE BARTON on Energy and Commerce is the spokesman. You serve on Energy and Commerce, so you obviously would respect his opinion.

Also, I would say to my colleague, we are not a subcommittee of the Senate. We are an independent body. So as much as I respect your voicing accommodation to the Senate frequently here, I submit that the House of Representatives is a totally different body and represents closer to the people, the people who go to Lowe's, the people who go to the hardware stores, and the people who don't want to have overregulation and are trying to create jobs in this economy.

You keep mentioning how the Senate overwhelmingly supports this bill. I would say rhetorically to you: Did you support the tax cuts last night? Did you support the tax cut extension? A lot of people on the majority did not; yet in the Senate, it was overwhelmingly supported. So oftentimes there is a different approach in the Senate than in the House.

And I suspect if you get elected every 6 years as opposed to every 2 years, you are going to have a little more close relationship with your constituents. You will do town meetings. You will do telephone town meetings. Whereas if you are a U.S. Senator, perhaps you have a large State, you will be doing it through the media. But if you are there in a town meeting when somebody comes up to you face to face and says, STEARNS, why are you going to put this new requirement in? I thought we had the proper levels already in place, and why are you stipulating more regulation?

And so I go back again to your statement that basically this is a case where the States are underneath the requirement. Going by your own statement, I think you have summed up my argument that the bill is not needed.

I reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself such time as I may consume.

I would just say to my friend, the one thing I would agree with my friend on is that the House of Representatives is not the United States Senate. I wholeheartedly agree with that.

I would also say to my friend, and I believe he may not have been present that day, but on May 26 of this year, we had a vote in committee on this bill, and Representative BARTON voted for this bill in committee as part of our drinking water bill. So did 18 other Republicans. So the bill passed our committee with 45 members voting in favor.

□ 1050

Mr. STEARNS. Will the gentleman yield?

Mr. DOYLE. I yield to the gentleman from Florida.

Mr. STEARNS. At that point, that was not the bill that BARBARA BOXER introduced in the Senate. That was a bill that was instituted and created in the House.

Mr. DOYLE. Reclaiming my time, that bill was the companion bill here in the House, which was the same as the Boxer bill. It was Ms. ESHOO's bill, which passed the committee 45–1, with 18 Republicans supporting it, including Chairman BARTON, who is my dear friend.

So I would just say to my friend that I would be more concerned with someone coming up to a town hall meeting to me and asking me why we haven't done everything we could to get lead out of drinking water. The standard is 8 percent in my State; to my knowledge, we don't have a lower standard. So I certainly appreciate legislation like this which sets the lowest standard we can attain with the technology we have and do so in a way that's not onerous to either the public or the manufacturers who support this bill.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

This debate has probably gone on too long for this. I will wrap up and just say to my colleagues that at the point that Mr. BARTON had an understanding with Mr. WAXMAN, it was under different understandings for the funding of the bill, the science of the bill, and the labor provisions. These things have since changed.

As you know, if it was the same bill, it would come back under a House bill number, but it is coming back as a Senate bill that was introduced by BARBARA BOXER. So, as you would realize, this is not the same bill; otherwise, what Mr. BARTON agreed upon with Mr. WAXMAN, that would be the bill that we would be voting on. As you know, this is not the bill. This is a different bill.

I urge my colleagues, with that, to vote against the bill, and I yield back the balance of my time so we can move on to other important bills.

Mr. DOYLE. I yield myself 30 seconds.

I want to thank my friend for this debate. I would say to my friend that this bill is identical to the bill that we had in the House. It is an identical bill. It is identical in portion. It is not the entire bill that we had in the House, but this portion of the bill is identical to the bill that we had in the House.

I would hope my colleagues would join our colleagues in the Senate in supporting this legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DOYLE) that the House suspend the rules and pass the bill, S. 3874.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LOCAL COMMUNITY RADIO ACT OF 2010

Mr. DOYLE. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 6533) to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Local Community Radio Act of 2010''.

SEC. 2. AMENDMENT.

Section 632 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (Public Law 106–553; 114 Stat. 2762A–111), is amended to read as follows:

''SEC. 632. (a) The Federal Communications Commission shall modify the rules authorizing the operation of low-power FM radio stations, as proposed in MM Docket No. 99–25, to—

''(1) prescribe protection for co-channels and first- and second-adjacent channels; and

''(2) prohibit any applicant from obtaining a low-power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of section 301 of the Communications Act of 1934 (47 U.S.C. 301).

''(b) Any license that was issued by the Federal Communications Commission to a low-power FM station prior to April 2, 2001, and that does not comply with the modifications adopted by the Commission in MM Docket No. 99–25 on April 2, 2001, shall remain invalid.''.

SEC. 3. MINIMUM DISTANCE SEPARATION REQUIREMENTS.

(a) IN GENERAL.—The Federal Communications Commission shall modify its rules to eliminate third-adjacent minimum distance separation requirements between—

(1) low-power FM stations; and

(2) full-service FM stations, FM translator stations, and FM booster stations.

(b) RESTRICTION.—

(1) IN GENERAL.—The Federal Communications Commission shall not amend its rules to reduce the minimum co-channel and first- and second-adjacent channel distance separation requirements in effect on the date of enactment of this Act between—

(A) low-power FM stations; and

(B) full-service FM stations.

(2) WAIVER.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the Federal Communications Commission may grant a waiver of the second-adjacent channel distance separation requirement to low-power FM stations that establish, using methods of predicting interference taking into account all relevant factors, including terrain-sensitive propagation models, that their proposed operations will not result in interference to any authorized radio service.

(B) REQUIREMENTS.—

(i) SUSPENSION.—Any low-power FM station that receives a waiver under subparagraph (A) shall be required to suspend operation immediately upon notification by the Federal Communications Commission that it is causing interference to the reception of an existing or modified full-service FM station without regard to the location of the station receiving interference.

(ii) ELIMINATION OF INTERFERENCE.—A low-power FM station described in clause (i) shall not resume operation until such interference has been eliminated or it can demonstrate to the Federal Communications Commission that the interference was not due to emissions from the low-power FM station, except that such station may make short test transmissions during the period of suspended operation to check the efficacy of remedial measures.

(iii) NOTIFICATION.—Upon receipt of a complaint of interference from a low-power FM station operating pursuant to a waiver authorized under subparagraph (A), the Federal Communications Commission shall notify the identified low-power FM station by telephone or other electronic communication within 1 business day.

SEC. 4. PROTECTION OF RADIO READING SERVICES.

The Federal Communications Commission shall comply with its existing minimum distance separation requirements for full-service FM stations, FM translator stations, and FM booster stations that broadcast radio reading services via an analog subcarrier frequency to avoid potential interference by low-power FM stations.

SEC. 5. ENSURING AVAILABILITY OF SPECTRUM FOR LOW-POWER FM STATIONS.

The Federal Communications Commission, when licensing new FM translator stations, FM booster stations, and low-power FM stations, shall ensure that—

(1) licenses are available to FM translator stations, FM booster stations, and low-power FM stations;

(2) such decisions are made based on the needs of the local community; and

(3) FM translator stations, FM booster stations, and low-power FM stations remain equal in status and secondary to existing and modified full-service FM stations.

SEC. 6. PROTECTION OF TRANSLATOR INPUT SIGNALS.

The Federal Communications Commission shall modify its rules to address the potential for predicted interference to FM translator input signals on third-adjacent channels set forth in section 2.7 of the technical report entitled ''Experimental Measurements of the Third-Adjacent Channel Impacts of Low-Power FM Stations, Volume One—Final Report (May 2003)''.

SEC. 7. ENSURING EFFECTIVE REMEDIATION OF INTERFERENCE.

The Federal Communications Commission shall modify the interference complaint process described in section 73.810 of its rules (47 CFR 73.810) as follows:

(1) With respect to those low-power FM stations licensed at locations that do not satisfy third-adjacent channel spacing requirements under section 73.807 of the Commission's rules (47 CFR 73.807), the Federal Communications Commission shall provide the same interference protections that FM translator stations and FM booster stations are required to provide as set forth in section 74.1203 of its rules (47 CFR 74.1203) as in effect on the date of enactment of this Act.

(2) For a period of 1 year after a new low-power FM station is constructed on a third-adjacent channel, such low-power FM station shall be required to broadcast periodic announcements that alert listeners that interference that they may be experiencing could be the result of the operation of such low-power FM station on a third-adjacent channel and shall instruct affected listeners to contact such low-power FM station to report any interference. The Federal Communications Commission shall require all newly constructed low-power FM stations on third-adjacent channels to—

(A) notify the Federal Communications Commission and all affected stations on third-adjacent channels of an interference complaint by electronic communication within 48 hours after the receipt of such complaint; and

(B) cooperate in addressing any such interference.

(3) Low-power FM stations on third-adjacent channels shall be required to address complaints of interference within the protected contour of an affected station and shall be encouraged to address all other interference complaints, including complaints to the Federal Communications Commission based on interference to a full-service FM station, an FM translator station, or an FM booster station by the transmitter site of a low-power FM station on a third-adjacent channel at any distance from the full-service FM station, FM translator station, or FM booster station. The Federal Communications Commission shall provide notice to the licensee of a low-power FM station of the existence of such interference within 7 calendar days of the receipt of a complaint from a listener or another station.

(4) To the extent possible, the Federal Communications Commission shall grant low-power FM stations on third-adjacent channels the technical flexibility to remediate interference through the colocation of the transmission facilities of the low-power FM station and any stations on third-adjacent channels.

(5) The Federal Communications Commission shall—

(A) permit the submission of informal evidence of interference, including any engineering analysis that an affected station may commission;

(B) accept complaints based on interference to a full-service FM station, FM translator station, or FM booster station by the transmitter site of a low-power FM station on a third-adjacent channel at any distance from the full-service FM station, FM translator station, or FM booster station; and

(C) accept complaints of interference to mobile reception.

(6) The Federal Communications Commission shall for full-service FM stations that are licensed in significantly populated States with more than 3,000,000 population and a population density greater than 1,000 people per one square mile land area, require all low-power FM stations licensed after the date of enactment of this Act and located on third-adjacent, second-adjacent, first-adjacent, or co-channels to such full-service FM stations, to provide the same interference remediation requirements to complaints of interference, without regard to whether such complaints of interference occur within or outside of the protected contour of such stations, under the same interference complaint and remediation procedures that FM translator stations and FM booster stations are required to provide to full-service stations as set forth in section 74.1203 of its rules (47 CFR 74.1203) as in effect on the date of enactment of this Act. Notwithstanding the provisions of section 74.1203, no interference that arises outside the relevant distance for the full-service station class specified in the first column titled ''required'' for ''Co-channel minimum separation (km)'' in the table listed in section 73.807(a)(1) of the Commission's rules (47 CFR 73.807(a)(1)) shall require remediation.

SEC. 8. FCC STUDY ON IMPACT OF LOW-POWER FM STATIONS ON FULL-SERVICE COMMERCIAL FM STATIONS.

(a) IN GENERAL.—The Federal Communications Commission shall conduct an economic study on the impact that low-power FM stations will have on full-service commercial FM stations.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Federal Communications Commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and

Commerce of the House of Representatives on the study conducted under subsection (a).

(c) LICENSING NOT AFFECTED BY STUDY.—Nothing in this section shall affect the licensing of new low-power FM stations as otherwise permitted under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DOYLE) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. DOYLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DOYLE. I yield myself such time as I may consume.

Mr. Speaker, I first want to thank Chairman BOUCHER, and to let Mr. BOUCHER know that it has been a privilege to work with him during our years together on the Energy and Commerce Committee, and especially during the 2 years he served as chairman of the Subcommittee on Energy and of the Subcommittee on Communications Technology and the Internet. He has been a great colleague and partner in legislation and a great friend, and I want to wish Chairman BOUCHER only the best in his next steps.

I also want to thank Chairman WAXMAN for strongly supporting this bill that will give local communities across this country access to their airwaves. I am grateful for the support that this bill has from both sides of the aisle, from myself, the former vice chairman of the Communications Subcommittee, to the future vice chairman of the Communications Subcommittee, this bill's lead cosponsor and my good friend, LEE TERRY from Omaha.

We have been working together to bring local community-oriented radio to more cities, counties, and neighborhoods across the country for 10 years now, and I would say to my friend that I think we are finally on the last leg of this journey.

This bill will allow churches, schools, neighborhood groups, and others to put community-oriented programming on the air, and it will help first responders provide those communities with critical information in times of natural disasters and other emergencies.

You see, when the Federal Communications Commission created the Low Power FM radio service, they sought to create opportunities for new voices on the airwaves and to allow local schools, churches, and other community-based organizations to provide programming that is responsive to local community needs and interests. Congress, however, passed the Radio Broadcasting Preservation Act in 2000, and many of those organizations were prevented from communicating to their members, supporters, and residents on the FM radio dial. That bill called for a field study performed by the MITRE Corporation, and for the FCC to recommend to us what we should do.

In 2004, on a unanimous bipartisan basis, the Federal Communications Commission issued a report to Congress which stated that, ''Congress should readdress this issue and modify the statute to eliminate the third adjacent channel distant separation requirements for LPFM stations.''

For a second time, in November of 2007, and for a third time, again, in September 2009, all five FCC Commissioners agreed that Congress should lift the restriction on LPFM stations and allow them to license new stations in more communities. The bill we have under debate today, the Local Community Radio Act of 2009, does just that.

When they are allowed to exist under current law, LPFM stations have proven to be a vital source of information during local or national emergencies. And these stations promote the arts and education from religious organizations, community groups, organizations promoting literacy, and many other civically oriented organizations; stations like:

KOCZ in Opelousas, Louisiana, which is operated by the Southern Development Foundation, a group active in the African American community. The station broadcasts public affairs shows, religious programing, hip-hop and zydeco music 24 hours a day. Zydeco music is central to the cultural heritage of the Acadiana region but had mostly disappeared from the airwaves dominated by commercial radio; or

WRFR in Rockland, Maine, which broadcasts talk and call-in shows on issues important to the community on a variety of things. Though six other stations have their transmitters in the station's home in Knox County, WRFR is the only station that originates its programming there; and

WQRZ in Bay St. Louis, Mississippi, which remained on the air during Hurricane Katrina and served as the Emergency Operations Center for Hancock County during the worst storm there in a century.

But Congress has to act on the Commission's recommendations; otherwise, similar stations are prevented from operating in communities across America, communities like mine, which are too large to have any slots for any LPFM stations at 4th adjacent, but could fit several at 3rd.

But you don't have to take my word for it—every FCC Commissioner since 2003 has vouched for this—or the MITRE Corporation's outside study's word for it either. We all know this is going to work because it already works.

Currently, large commercial and noncommercial FM stations duplicate and extend their signals on these same 3rd adjacent channels that the FCC wants to also make available to new noncommercial stations.

This bill has broad support, as evidenced in these letters from almost a dozen leaders, from Catholic and Protestant faiths like the United Church of Christ and the National Association of Evangelicals; a letter from two dozen national and local public interests, civil rights, local groups; and another letter from the Leadership Conference on Civil Rights; and, finally, this letter from the National Federation of Community Broadcasters and the Prometheus Radio Project, all of whom support this bill.

Exactly a year and a day ago, the House passed an earlier version of this legislation, H.R. 4711, a fine bill, but the broadcasters' concerns kept it bottled up in the Senate all year.

□ 1100

I am pleased to tell you that at the 11th hour, in the nick of time the various stakeholders were able to reach an agreement over the disputed language, and all of the Senate holds have been lifted.

This version of the bill was supported by everyone with a stake in broadcasting: Small noncommercial stations, big noncommercial stations like NPR, big commercial stations like the National Association of Broadcasters. This bill deserves my colleagues' support, unanimous support, as well.

The time has finally come for Congress to rewrite this law. The time has come to make the airwaves available to the people they serve. As I said a year ago, the time has come to bring low power to the people.

Mr. Chairman, thank you again for support of this legislation.

LIST OF ORGANIZATIONS THAT SENT LETTERS OF SUPPORT

Director—California Indian Heritage Council (No PDF), Association of California Water Agencies, Wateruse Association, American Water Works Association, Association of Metropolitan Water Agencies, La Clinica de La Raza, A Community Voice Louisiana, Nancy Skinner, Assemblywoman for the 14th District, National Resource Defense Council, California Safe Schools (no PDF).

Planning and Conservation League, Council of the District of Columbia, San Francisco Public Utilities Commission, California Public Health Association, Environmental Defense Fund, East Bay Municipal Utility District, Environmental Justice Coalition for Water, California Rural Legal Assistance Foundation, Community Water Center, Southern California Watershed Alliance.

Clean Water Action, Urban Semillas, Friends of the River, Institute for Socio-Economic Justice, Planning and Conservation League, North Richmond Shoreline Open Space Alliance, California League of Conservation Voters, California Conference of Directors of Environmental Health, San Jerardo Co-Op Inc, Karuk Tribe.

Sierra Club, Consumer Union, Contra Costa Water District, Inland Empire Utilities Agency, Environmental Defense Fund, Ellen Corbett, 10th Senate District, Planning and Conservation League (second one), PMI, Vermont PRIG, and Action Now.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself of such time as I may consume.

I think the gentleman did an excellent job. I obviously support this bill. We support it on this side. I think the gentleman said everything, but we are going to also hear from the principal cosponsor, LEE TERRY from Nebraska, who has worked with you. I am told you folks have worked together for almost 8 years. So this is a very significant accomplishment.

I would defend the National Association of Broadcasters because during this process they did have some very technical concerns. I understand now they are supporting it. The new concessions that they brought out I think were helpful, although I am sorry it took so long to bring it together.

It permits any citizen to complain to the FCC that a low power radio station is causing interference to any full power radio station and requires the FCC to shut down the station within 1 business day.

It requires a low power FM station to seek a waiver from the FCC to use the most modern and efficient engineering methods to find spectrum for their station.

It mandates that a full power station that wants to relocate will be able to knock a low power radio station off the air, but permits the FCC to use waivers and other means to find spectrum for displaced low power FM stations.

I say that only because there are businesses that have in place broadcast spectrum that are operating, have operated for many years, and their concern was that the churches, the community centers, the schools and universities and their low power stations might interfere. I think that that was a legitimate concern. I am glad that the National Association of Broadcasters has now conceded these and worked them out.

Obviously, I think any of us in this body would agree that it is a very important part of democracy to have some of these, shall we say, eclectic type of stations that offer, as you say, church music and church services and hip-hop music. They are tailored in a special way, plus they are available for emergency services. So I commend you and Mr. LEE TERRY, who is going to speak shortly, on this.

Basically the legislation expands the opportunity for, as we say, all of these groups to the 116 million Americans in the top 50 radio markets in the country who thus far have been excluded. It accomplishes this by returning the authority to the FCC for licensing decisions related to low power FM stations.

Major features of the bill, which is very similar to the bill that passed the House last year, are that it fully protects full power stations from interference by new low power radio stations. It responds to the concerns of the NPR and the NAB and protects reading for the blind services. The Senate bill added a requirement that the FCC conduct a study on the economic impact of low power FM stations. So this is all part of the process.

Mr. Speaker, I reserve the balance of my time.

Mr. DOYLE. Mr. Speaker, I yield myself 30 seconds.

I want to thank my friend for his support of the bill. I know he is looking forward to being able to listen to his favorite hip hop music on his favorite low power FM station in Florida.

This has been a long journey. We have tried earnestly to address all of the concerns that the broadcasters have, and there were many at times. But I think we finally reached a point where we all agree, broadcasters, commercial and noncommercial, that we now have a process in place that protects their interests and their concerns and allows local communities now to have this valuable resource.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I am going to yield to the distinguished gentleman from Nebraska, who also has been the principal author of this bill and worked again tirelessly for 8 years. I would say to my friend on the other side, AKOZ, is that the station that I should listen to for this?

With that, I yield such time as he may consume to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. The gentleman from Jacksonville, Florida, knows the hip-hop station. I am impressed.

But this is grassroots radio. We have had pirate radio. Now we are going to have legitimate grassroots radio. This is empowering to those that have little or no voice in their communities. This is why the gentleman from Pittsburgh and I have worked so diligently over the last 8–10 years. Actually it goes back almost 12 years, when we helped get the MITRE Study, so we could know based on science whether or not there would be interference or not. And when that study, a thorough study, came back and said there would be no interference, MIKE and I began the process of making sure that we could allow on the third adjacency communities to have a licensed FM station.

That is what low power is about, communities. It is not going to blast from Omaha to Lincoln. It probably won't even go from East Omaha to midtown in Omaha or in Pittsburgh. But the reality is it will serve the community.

Just in my district alone, in the Omaha metropolitan area, since beginning this process we have had dozens of community groups contact us about when they will be able to apply for a low power FM station. This includes the Chicano Awareness Center. This includes Catholic Charities. This includes Salem Baptist Church, which is located in the heart of the most impoverished area of my district, one of the most impoverished, unfortunately for the Omaha area, and one of the most impoverished areas in the United States and in the African American community. One of their issues is that they don't have a particular voice for the African American or North Omaha community. So this is why it is empowering. They finally have the opportunity now to have a radio voice with which to communicate community issues.

Today MIKE says this is low power to the people. It is the essence of grassroots radio. This is a day to celebrate for all of our community groups, because they will now be empowered once the Senate takes this up, since all of the objections have been dealt with in the appropriate manner. So this is truly a day for them to celebrate.

Mr. DOYLE. Mr. Speaker, I yield myself 2 minutes.

I just want to share with my colleagues, we have been waiting. We were told this letter was en route, and it has arrived. Just for the record, this is the letter from the National Association of Broadcasters which was addressed to myself and Mr. TERRY informing us both that they are now in support of this bill, that they appreciate the work that our staffs have done with them, along with the Senate cosponsor, and that they support the bill.

Another piece of good news. CBO has scored this bill. It has no budgetary impact. The CBO score is zero. Another piece of good news for my colleagues who are concerned about cost.

Last, I think it is only fair that we recognize that a lot of people have worked very, very hard on this bill. I would be remiss personally if I didn't thank Kenneth DeGraff, who staffs me on the Telecom Subcommittee, who has put his heart and soul into this legislation and is more responsible than anybody in my office for seeing this day come today.

Also from the Prometheus Radio Project, Pete Tridish; Cheryl Leanza from the United Church of Christ; Michael Daum with Senator CANTWELL's office; Lee Dunn with Senator MCCAIN's office. There have been many, many people who have worked hard. I know that LEE TERRY, his staff too has worked very hard on this issue, and that all of our staffs deserve credit. They are the unsung heroes behind the scenes that do all the work. Brad Schweer with LEE TERRY's office has been just great on this too.

So I want to thank my colleagues.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I have no further speakers. I think the gentleman has pointed out this is a bipartisan bill. It took awhile. The National Association of Broadcasters are now supporting this, it doesn't cost any money, so I urge its adoption.

I yield back the balance of my time.

Mr. DOYLE. In closing, Mr. Speaker, this bill passed unanimously in the House of Representatives when it was H.R. 1147. This bill has broad bipartisan support.

I want to thank all of my colleagues for their work, and I would hope that we could have a unanimous vote today on the House floor when the bill is brought up.

Mr. WAXMAN. Madam Speaker, I rise in support of H.R. 6533, the Local Community

Radio Act of 2010. I want to thank Chairman BOUCHER for his leadership in guiding this bipartisan bill through the Energy and Commerce Committee and the House last year. I also want to recognize and thank Mr. DOYLE and Mr. TERRY—the original sponsors of the bill—for their tireless leadership in pushing this legislation forward, and for their commitment to expanding diversity, localism, and competition in our media landscape. Mr. DOYLE has been an energetic champion of local community radio, and I greatly appreciate his leadership, flexibility, and perseverance.

I have long-supported expanding Low Power FM radio services. This bill removes a statutory barrier to the creation of potentially thousands of new low power stations across the country. The creation of these stations will further the overriding national policy goals of promoting broadcast localism and diversity. At the same time, this legislation fully protects incumbent radio broadcasters from unreasonable interference, with a clear dispute resolution process to mitigate interference with station transmissions.

In December 2009, the House has approved the Local Community Radio Act by voice vote. Since that time, however, the bill has been held up in the Senate due to ongoing concerns from some broadcasters. To address these concerns, Mr. DOYLE, Mr. TERRY, Senator CANTWELL, and Senator MCCAIN have been working diligently to eliminate outstanding objections so we can finally pass this legislation and send it to President Obama for signature. It is my hope that the Senate will take up H.R. 6533 promptly and do just that.

Most notably, this revised version of the bill incorporates additional interference remediation procedures preferred by the broadcasters. I am pleased that H.R. 6533 now has the full support of the National Association of Broadcasters. I want to thank NAB for working with us cooperatively to move this legislation closer to passage. I also want to thank the Prometheus Radio Project, the United Church of Christ, and other long-time supporters of Low Power FM services for their input and support.

This is a good bipartisan bill that will promote localism and diversity over the airwaves. I urge my colleagues to support H.R. 6533.

Mr. DOYLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DOYLE) that the House suspend the rules and pass the bill, H.R. 6533.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1110

AIDING THOSE FACING FORECLOSURE ACT OF 2010

Mr. CAPUANO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5510) to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aiding Those Facing Foreclosure Act of 2010''.

SEC. 2. FORECLOSURE AVOIDANCE ASSISTANCE.

Section 109 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219) is amended by adding at the end the following new subsection:

''(d) LEGAL ASSISTANCE.—

''(1) USE OF FUNDS.—The Secretary shall make amounts that were obligated under this title, through the financial instruments for the Housing Finance Agency Innovation Fund for the Hardest-Hit Housing Markets program of the Secretary (in this subsection referred to as the 'Hardest-Hit Fund'), available to eligible entities, housing finance agencies, or affiliates of such entities or agencies participating in the Hardest-Hit Fund, upon request by such entities, housing finance agencies, or affiliates, for the additional purpose of providing assistance to State and local legal organizations, including nonprofit legal organizations, whose primary business or mission is to provide legal assistance, for use for providing legal assistance to homeowners of owner-occupied homes consisting of from one to four dwelling units who have mortgages on such homes that are in default or delinquency, in danger of default or delinquency, or subject to or at risk of foreclosure, to assist such homeowners with legal issues directly related to such default, delinquency, foreclosure, or any deed in lieu of foreclosure or short sale.

''(2) PROHIBITION ON CLASS ACTIONS.—No funds provided under this subsection to a State or local legal organization, including a nonprofit legal organization, may be used to support any class action litigation.

''(3) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

''(A) IN GENERAL.—None of the amounts made available under this subsection shall be distributed to—

''(i) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

''(ii) any organization which employs applicable individuals.

''(B) DEFINITION OF APPLICABLE INDIVIDUAL.—In this paragraph, the term 'applicable individual' means an individual who—

''(i) is—

''(I) employed by the organization in a permanent or temporary capacity;

''(II) contracted or retained by the organization; or

''(III) acting on behalf of, or with the express or apparent authority of, the organization; and

''(ii) has been convicted for a violation under Federal law relating to an election for Federal office.

''(4) AUTHORIZATION.—Amounts used as described under paragraph (1) shall be deemed to be for actions authorized under this title.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. CAPUANO) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. CAPUANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CAPUANO. Mr. Speaker, I yield such time as she may consume to the sponsor of the bill, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Thank you very much to my dear colleague, Congressman CAPUANO of Massachusetts, for yielding me this time in support of moving today H.R. 5510, the Aiding Those Facing Foreclosure Act, which merely allows technical clarification language to existing legislation. No authorization of funding or any expansion of existing funding is included in this bill.

I would like to thank my colleagues on both sides of the aisle for their support and for bringing this forth today. In particular, I would like to thank Chairman FRANK and Congressman STEVE LATOURETTE for their ongoing efforts on behalf of homeowners facing foreclosure.

Ohio is among those States labeled as the hardest hit in our Nation by the foreclosure and economic crisis, along with 18 other States. These states receive what is called ''hardest hit'' assistance funds.

Ohio, among other States, wants the discretion to use a small amount of its existing funds under existing authorities to support legal advice through not-for-profit legal organizations to individual families facing foreclosure. However, Treasury interpreted that existing law didn't allow that. That is why we are here today—to clarify that, in fact, citizens of our Nation who are single-family homeowners do have the right to proper legal advice in such critical mortgage workout proceedings that affect their equity, that affect their family's home and their future.

Millions of people have faced foreclosure across our Nation. Far too many are losing their homes without proper, necessary legal representation. Many even have no idea that they have legal standing in such property proceedings. At such a critical and emotional moment in a family's life, legal advice can help a family find the outcome that works best for them in a foreclosure proceeding. In today's very complex mortgage proceedings, it becomes daunting for affected homeowners to gain the legal advice necessary to navigate the increasingly complex world of distant banks and courts, which often are much more easily navigated by the mortgagor. And certainly the mortgagee should have similar legal rights as well.

We appreciate the fact that the Treasury is sending a letter of support in furtherance of our efforts. Thus, I introduce this legislation as a legislative fix, H.R. 5510. For those States already receiving hardest hit funds, H.R. 5510 increases the State's ability to serve only single-family owner-occupied units that are facing default, delinquency, foreclosure, deed in lieu, or

short sale by permitting, if the State so chooses, to use hardest hit funds to support legal services offered by not-for-profit legal aid organizations.

In sum, the bill does not require States to use funds to support legal aid or services. So there's no requirement. This language is only permissive. The bill does not permit funds to be used for class action lawsuits. It only applies to single-family owner-occupied units. The bill does not permit any organizations like ACORN or others that are not not-for-profit legal assistance groups to receive funding. Further, the bill does not take money away from any State that is already administering its funds. And the bill actually will help relieve pressure on the States that are not hardest hit as other funding becomes available in related housing programs in the future.

So, let me be clear. There's no new money involved here. This is only giving the hardest hit States a new tool, if they so choose to use it, to fight foreclosures in their States and give proper legal standing to all parties involved. Nothing could be more important than allowing families facing foreclosure to be afforded proper legal assistance to rework their loan where that is possible.

Please support passage of H.R. 5510, the Aiding Those Facing Foreclosure Act.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts (Mr. FRANK) will control the time.

There was no objection.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

I rise on behalf of Ranking Member SPENCER BACHUS, the minority in opposition, strong opposition, to H.R. 5510.

Mr. Speaker, here we go again. The American people have rightly demanded an end to the bailouts, but this outgoing Democratic majority just can't seem to let go. Just this past October, Secretary Geithner put out a lengthy report proclaiming the expiration of TARP, but it seems that the $700 billion bailout isn't quite dead yet.

Just a week away from Christmas Eve, the Democratic majority is today attempting to bring the bailout back to life for the sole purpose of showering taxpayer money on community groups that provide legal assistance. The premises of reopening TARP for this purpose is troubling enough, but perhaps even worse is that we are bypassing any form of regular order to consider this this morning.

We first received the text of this language, which is substantially different from the introduced version, at 9 a.m. this morning. No hearings were held on this legislation. No subcommittee or full committee markup. No CBO score has been produced. We have yet to receive any feedback whatsoever from the Department of Housing and Urban Development or from the President.

We have heard that there's a letter of support, but simply the letter we've received from the Treasury is one outlining why they can't do it. In fact, there's been newspaper articles about how Secretary Geithner has blocked this from occurring. In fact, the General Counsel recently wrote that the proposed legal aid services are not necessary to the implementation or effectiveness of the hardest hit fund because Congress has provided other specific appropriations that funded the same type of legal aid processes or services proposed by the State and Federal; that legal aid services are not necessary or essential to the implementation of a loan modification program. The case has not been made that there are inadequate resources for legal assistance.

□ 1120

The American people expect better.

The legislation before us today could conceivably result in billions of taxpayer dollars being pumped into community groups similar to the now defunct ACORN. That was not the purpose of the hardest-hit housing market's program nor was it contemplated by the original emergency TARP bailout. Even Treasury Secretary Geithner agrees with that point. TARP was designed to return all unspent funds directly to the taxpayer so that legislative efforts like today's wouldn't be possible. In theory, this legislation could prevent more than $7 billion from being returned to the taxpayers.

Our goal should be to return as much taxpayer money to the taxpayer, not to invent new ways to make sure that we spend it. TARP was not designed to be a perpetual slush fund.

The drafters of the 2008 TARP clearly understood how tempting it would be to have a $700 billion pot of money lying around, so they installed a firm expiration date for the program. That hasn't stopped this majority from attempting to use the emergency stabilization money for other purposes; but today's poorly crafted, non-vetted, redundant, duplicative, and perhaps unnecessary bailout is particularly egregious due to the process they followed.

I urge my colleagues to reject this suspension, and if additional legal assistance moneys are required, go through regular order to prove it.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume.

Mr. Speaker, I salute the ''good soldier'' attitude of my friend from Nebraska. In the absence of any member on the Financial Services Committee, he agreed to stand up and read what was written. He has no way of knowing how silly it is. Nobody explained to him how inaccurate it was.

For example, he says this has not gone through regular order. It is, in fact, exactly the same legislative language that was debated, amended and adopted in the House Financial Services Committee and then in conference during financial reform. It is exactly that.

There is language in here that the gentlewoman from Ohio sensibly agreed to that makes it clear that organizations that have been convicted of criminal abuses can't be here, that only genuine legal services organizations can get this money and that there can be no class actions. It was carefully done. It's not the gentleman's fault. He wasn't there. I wish the people who had been there had told him that.

This is the legislative language taken from a bill that went through the full legislative procedure and passed the House. In fact, there was a change because we told the gentlewoman from Ohio, who has been very diligent in this regard, that we thought it was best precisely to avoid that kind of argument and to take the language that had already been adopted in the committee, in the conference and on the floor of the House.

Secondly, we are told it's going to cost extra money. No, it will not. In fact, it could save money. In the language that the House passed and the conference committee passed, we authorized $35 million for exactly this purpose.

What the gentlewoman from Ohio is proposing is that we take money that has already been voted under the TARP and use it for that. The gentleman has been asked to characterize it as a ''slush fund.'' Hardheartedness has rarely come so close to the Christmas season. This slush fund is to go to working Americans who bought homes and who are facing foreclosure. Frankly, we were reasonably certain of this when we passed this earlier this year, but we now know there have been serious legal problems with the foreclosures. Some of them are merely paperwork. Others we have seen are documented abuses.

You are a homeowner in trouble. You have the legal teams coming at you from the lenders, from the servicers and others. You cannot yourself afford a lawyer. You're having trouble meeting your mortgage payment.

What we say is, We will give you access to a lawyer—not in the offensive way. There is no class action here. There is no legal suit that can be brought against the lenders. There maybe should be.

This says, I'm being foreclosed. I don't think I should be foreclosed. They made a mistake. I paid that mortgage; or I got a modification. Somebody forgot it.

All we're asking is, Can we take some money that has already been voted and let that person have a lawyer to go to court—a legal services lawyer, vetted by the local bar association—to defend him?

To the Republican Party, that's a slush fund. I am appalled. I am appalled at the insensitivity and at the cruelty.

By the way, I voted for the TARP money, along with Mr. BOEHNER, the incoming Speaker. They did it at the

request of President Bush. As for the bailouts they keep flailing about, every single bailout that exists in America today was initiated by President George Bush, every single one—AIG, the TARP, the automobiles. It was George Bush who did it, and George Bush, after the election conveniently, said that it was the TARP that saved the economy from the consequences, I think, of mistakes that had been made during his Presidency. So that's the bailout they are talking about.

What we are saying is this:

We put an end to any new money. Given existing money, given the clear documentation that there have been abuses and errors and even, in some cases, fraud in the foreclosure process—although, in some cases, they were just paperwork errors—this is for beleaguered homeowners who are trying to save their homes, who are trying to keep themselves and their families from being kicked out the of their homes in case there was a mistake at legal assistance. If everything is in order, the lawyers can't save them.

What we are saying is, given what has been documented, let's take some of the money that has already been voted in the TARP—that's right. It has no CBO score—and put it there.

Secretary Geithner told me personally that he supports this. I'm sorry the letter isn't here yet, but I think Members will accept the fact that I'm telling the truth when I tell you that I spoke to the Secretary and showed him what we were doing, and he supports it. The language has gone through the full legislative process. It is language taken from the bill.

I hope we will pass this and also have the $35 million. This is for the hardest-hit States, the States that have had the worst impact. The $35 million could then be used for the other States. But again, a slush fund? It's a slush fund that can't go to ACORN. I know ACORN is a real focus for them.

It, of course, validates the old saying: Great obsessions from tiny acorns grow.

So every time we try to help any poor people with legal assistance so they are not faced with the unfair situation of being outgunned by an array of lawyers and they don't have any lawyers themselves to defend them, ACORN gets it. ACORN can't get this money on a number of grounds. There can't be class action suits.

If there is a homeowner who is convinced that he or she is being unfairly foreclosed upon and could document errors, should that person be denied legal assistance from money already voted at the request of George Bush and with the support of MITCH MCCONNELL and with the support of the incoming Speaker and with the support of the incoming majority leader? Should they not be able to use it?

I wish this weren't partisan. People tell me, Why are things partisan?

I wish things weren't partisan. I wish I could eat more and not gain weight. I wish a lot of things.

We are here on a partisan situation because what ought to be obvious is that money already appropriated, knowing as we do that there have been abuses in the foreclosure process, ought to be available to appoint genuine lawyers to defend people. By the way, do you know legal services lawyers? They're among the most dedicated people you'll find. These people could be making far more money in private practice, but they're there to help out.

They're restricted. There can't be class action suits. They can't go to a general organization that does legal work. They have to go to a genuine legal services organization, which are often, in my case, always supervised by the State bar association—and it is a slush fund.

You know, I can understand some differences of opinion, but to demean it this way—to call it a ''slush fund''—to deny ownership of the bailout, which was, of course, a Republican administration policy and to characterize it that way, all we are saying is money already voted could be made available for genuine legal assistance to help people who are facing unfair foreclosures so they can go to court.

The point is that we get this demeaning characterization. You know, we are supposed to be proud of our system of justice. We are not talking about giving anybody a free pass. What we are saying is working people who are facing foreclosure ought to be able to get to court on, not equal terms with the lenders and the large organizations opposing them, but with some bare minimum of representation—and that's a slush fund. That's a political trick.

□ 1130

I am very disappointed. We had real hopes that we could get some agreement on this. Everybody acknowledges that there have been abuses in the foreclosure process. We know there are people who can't afford lawyers. It will not cost the taxpayers any money. This is money that will be used elsewhere. It's a diversion from money that was otherwise going to be used in the TARP. It doesn't reopen the TARP. I hope it will add to the $35 million we hope we can get. It has been vetted through the legislative process. The gentlewoman from Ohio, who has been a great crusader on behalf of people in this situation, accepted our suggestion that she take the language that has already been voted on in the House.

So I am disappointed, but I hope that party discipline will not prevail on the Republican side. People—particularly from those States, Ohio, California, Indiana, and Florida, where they are particularly hard hit, but everybody, because everybody will benefit if we can increase this pool—will say something that's apparently terribly radical to my Republican friends. Let's let members of legal assistance operations, supervised by their bar associations, subject to their supreme courts and the State's supervision, go to court to defend someone facing an array of high-priced legal talent when they know that they are being foreclosed upon illegally and inappropriately.

And that is apparently a terrible thing to the Republican Party. I am, as I say, appalled. I hope that a sense of fairness will somehow prevail and we can pass this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TERRY. Mr. Speaker, I yield myself such time as I may consume.

I appreciate my friend from Massachusetts pointing out my good soldiering here, but there are certain things that I do know are facts, and that is: Taxpayers are already paying for legal services for the impoverished. It's the Legal Services Corporation. And the appropriation for this year, at least as it currently is listed, is $440 million.

Perhaps what we're saying here is using the TARP fund as the vehicle and keeping TARP alive is the wrong process here. Perhaps this isn't a TARP or financial services issue. The right way is an appropriation issue.

If the majority is upset that there is not enough money going to legal services for the poor, whether it's for foreclosures or other legal issues, the right path would be addressing the Appropriations Committee and asking for additional funds within an already existing process.

Committee staff is not aware of whether or not Geithner has now said he is in favor of this bill. We don't know of any conversations, but we have no doubt to disagree with the gentleman from Massachusetts' statement that he has had conversations. We've heard about a letter, but we only have one dated September 13.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Yes, the letter is on the way. I state, as a matter of fact, that I personally spoke to Secretary Geithner and he told me, as I explained it, that he supports it.

Does the gentleman doubt my word?

Mr. TERRY. No, and I said I don't doubt your word. I said that.

What we have here is a September 13 letter, but we've also heard that there is another letter, or maybe we are talking about the same letter.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The letter you are talking about is one in which he says he doesn't have the legal authority to do it. This bill gives him the legal authority. There is no conflict. This bill now is a response to that letter. And I repeat that he has said that he is in favor of getting the legal authority to do it.

Mr. TERRY. And reclaiming my time, that's the reason for our opposition here.

The Treasury Department—it wasn't Republicans. It was their own administration and the Cabinet Member, Mr. Geithner, that said TARP doesn't have the powers to be a legal aid fund, so it takes them to have to change this.

I kind of heard both things here, that if the administration was agreeing to this or saying that this was the right thing for TARP or that they had the powers, why was this bill even necessary? But let's say TARP was necessary, or this bill is necessary, because, as Geithner said in the September 13 letter, they don't have the power. So now, 2 years after the fact, they want to change TARP to become a legal aid fund.

I was part of the group that held out our votes because we wanted to make sure that this wasn't going to be a fund that was going to be continuously used, that every dollar that was going to be spent had the opportunity to be recouped so that the taxpayers at the end would not be out any dollars. This changes the whole philosophy of TARP for many people that voted for it.

DEPARTMENT OF THE TREASURY,
Washington, DC, September 13, 2010.

Hon. MARY JO KILROY,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KILROY: I am writing in response to your recent inquiries about the Housing Finance Agency Innovation Fund for the Hardest-Hit Housing Markets (the ''HFA Hardest-Hit Fund''). As you know, we designed the Fund to support new and innovative foreclosure prevention efforts in states—such as Ohio—that have been hardest hit by housing price declines and high unemployment rates. I share your strong commitment to maximizing the impact of the HFA Hardest-Hit Fund and to helping responsible Americans keep their homes.

I also understand your interest in whether the HFA Hardest-Hit Fund can support legal aid services proposed by state HFAs. It is critically important that struggling American families receive accurate and helpful advice about how to take advantage of the Administration's housing relief efforts. Accordingly, I asked George Madison, the General Counsel of the Treasury Department, to review the issue closely. Mr. Madison has concluded that legal aid services cannot be funded through programs such as the HFA Hardest-Hit Fund that are authorized under the Emergency Economic Stabilization Act of 2008 (''EESA''). I have enclosed a detailed memorandum that analyzes the legal issues and statutory limitations.

Thank you for your attention to these critical issues. Although we cannot use EESA funds to support legal aid services, we are fully committed to working with you to ensure that the HFA Hardest-Hit Fund successfully provides targeted aid to struggling homeowners and encourages innovative solutions to the housing downturn.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

Enclosure.

DEPARTMENT OF THE TREASURY,
Washington, DC, September 10, 2010.

MEMORANDUM FOR SECRETARY GEITHNER

FROM: George W. Madison, General Counsel

SUBJECT: Funding of Legal Aid Services in connection with the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets

This memorandum addresses whether the Department of the Treasury (''Treasury'') can support certain proposed legal aid services using Troubled Asset Relief Program (''TARP'') funds in connection with the Housing Finance Agency Innovation Fund for the Hardest Hit Housing Markets (''FIFA Hardest-Hit Fund'').

We understand that you intend to share this memorandum with Members of Congress.

I. SUMMARY CONCLUSION.

For the reasons discussed below, we have concluded that legal aid services cannot be funded through programs such as the HFA Hardest-Hit Fund that are funded under the Emergency Economic Stabilization Act of 2008 (''EESA''). Legal aid services are not specifically authorized under EESA. In addition, the proposed legal aid services are not necessary and incidental, as a matter of law, to the implementation or effectiveness of the HFA Hardest-Hit Fund, because: (1) Congress has provided other specific appropriations that fund the same type of legal aid services proposed by the state Housing Finance Agencies (''HFAs''); and (2) legal aid services are not necessary or essential to the implementation of a loan modification program.

II. FACTUAL BACKGROUND.

Treasury has provided funding under EESA for the HFA Hardest-Hit Fund for measures developed by state HFAs to help homeowners in the states that have been hardest hit by the housing downturn. Treasury has designated the HFA Hardest-Hit Fund specifically for implementation in eighteen states, as well as the District of Columbia. Each applicable state HFA (or an eligible entity on its behalf) has developed a range of programs tailored to the needs of its individual state and has submitted funding requests to Treasury. Proposal submission guidelines instruct the eligible state HFAs that the proposed programs must ''meet the requirements of EESA.''

Staff members from several eligible HFAs have expressed an interest in funding certain types of counseling and/or legal aid services. Accordingly, they requested Treasury's views on the funding of these types of services. In response, we communicated—through a law firm engaged by Treasury to assist it with the implementation of the HFA Hardest-Hit Fund—our conclusion that certain limited counseling services are eligible for funding under EESA, but that the proposed legal aid services are not eligible. This memorandum describes Treasury's legal position in further detail.

III. LEGAL ANALYSIS.

As a general matter, government funds may be used only for their intended purpose. EESA does not expressly authorize payments for legal aid services. Section 101 of EESA authorizes the Secretary of the Treasury to purchase ''troubled assets from any financial institution.'' And 109(a) authorizes the Secretary to use ''loan guarantees and credit enhancements to facilitate loan modifications to prevent avoidable foreclosures.'' Consistent with this authority, Treasury has specified that FIFA Hardest-Hit Fund proposals must facilitate loan modifications using credit enhancements in the form of payments to loan servicers, investors, and borrowers.

EESA does not cite, much less authorize, spending for legal aid services. However, appropriations law does not require that all government expenditures must be specifically or expressly identified by Congress. It is well-settled that when Congress makes an appropriation for an expressly-stated purpose, it also authorizes by implication expenditures that are ''necessary or incident to'' the implementation of the expressly stated purpose.

The Comptroller General of the United States has held that three factors must be considered when determining whether a federal government expense is necessary or incidental—as a matter of law—to the implementation of the object of an appropriation (in this case, the implementation of a mortgage modification program under EESA). All three factors must be satisfied.

First, the expenditure must be ''reasonably related to the purposes for which the appropriation was made.'' Second, the expenditure ''must not be prohibited by law.'' And third, the expenditure ''must not fall specifically within the scope of some other category of appropriations''—in other words, the expenditures are only authorized if they have not been provided for more specifically by some other appropriation or statutory funding scheme. The last requirement applies even if the more appropriate funding source is exhausted and therefore unavailable. If a federal agency funds an activity under a broad appropriation, despite the fact that the activity been specifically funded by another appropriation, the agency would violate the Anti-Deficiency Act (31 U.S.C. § 1341).''

In our view, the expenditure of EESA funds for legal aid services under the HFA Hardest-Hit Fund is prohibited, because it does not satisfy the third factor of the Comptroller General's test. Congress has otherwise appropriated federal funds for the same types of legal aid services proposed by the state HFAs. This conclusion, by itself, is dispositive and means the proposals cannot be funded under the HFA Hardest-Hit Fund.

In addition, we have concerns about whether the HFA proposals satisfy the first factor of the Comptroller General's test. Although the precise legal standard governing this factor is unclear, numerous opinions require a close nexus to a specific statutory purpose—i.e., that expenditures be ''necessary'' or ''essential.'' We recognize that typical legal aid services, such as those proposed by the various state HFAs, are reasonably related to foreclosure prevention efforts generally. However, we do not believe they are necessary or essential to loan modification programs under the HFA Hardest-Hit Fund.

A. Legal Aid Services Fall Specifically within the Scope of Another Appropriation.

The third factor of the Comptroller General's test prohibits the payment of any expenses if another appropriation ''makes more specific provision for such expenditures. In this case, the question is whether the legal aid services proposed by the state HFAs fall within the scope of other existing appropriations.

The answer is yes. Congress has specifically provided funds for legal aid services through annual appropriations to the Legal Services Corporation (the ''LSC''). The LSC uses appropriated funds to make grants to non-profit legal aid programs, which in turn offer legal services to low-income individuals and families. Those services include helping ''homeowners prevent foreclosures or renegotiate their loans.''

Moreover, Congress recently authorized legal aid specifically related to foreclosure prevention efforts. On July 21, 2010, the President signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111–517 (2010) (the ''Dodd-Frank Act''):

Section 1498 of the Dodd-Frank Act authorizes HUD to establish and administer a program that funds foreclosure legal assistance to low- and moderate-income homeowners and tenants related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure;

Section 1498(d)(1) requires that the legal assistance only be provided to ''homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure;'' and

Section 1498(f) appropriates to the Secretary of HUD $70 million for fiscal years 2011 and 2012 ($35 million each year) for these legal aid grants.

In short, Congress already has funded legal aid services through existing appropriations and statutory funding schemes. Accordingly, we believe that providing additional funding for legal aid services under the HFA Hardest-Hit Fund would be contrary to opinions of the Comptroller General and it might violate the Anti-Deficiency Act.

B. Legal Aid Services May Not Constitute a ''Necessary Expense.''

The first factor of the Comptroller General's test requires that necessary and incidental expenses must be ''reasonably related to the purposes for which the appropriation was made.'' As previously noted, we are not relying upon this analysis, because the HFAs' legal aid proposals clearly do not satisfy the third factor of the Comptroller General's test. Nonetheless, various Members of Congress and other interested parties have raised questions related to this issue. Therefore, we have considered it and concluded that the legal standard may not be satisfied.

Despite a ''vast number of decisions over the decades,'' the Comptroller General has not applied the first prong of its test in a clear and consistent manner.'' Instead, the Comptroller General has used a variety of different formulations when discussing the standard. ''If one lesson emerges, it is that the concept is a relative one.'' Nonetheless, in numerous opinions, the Comptroller General has required a close nexus between a specific express statutory purpose and any proposed expenditures—ie., the expenditures must be ''necessary'' or ''essential.''

In this case, legal aid services may be reasonably related to foreclosure prevention efforts generally; however, they are not necessary or essential to running a loan modification program. Typically, legal aid lawyers who represent struggling homeowners perform a variety of functions, other than just negotiating mortgage modifications. For example, legal aid lawyers represent borrowers in arbitration proceedings against their lenders; file injunctions and bankruptcy petitions to prevent foreclosure sales; and, when foreclosure sales occur, file exceptions proceedings in state court.

Notably, the HFAs' legal aid proposals do not focus on obtaining modifications under the HFA Hardest-Hit Fund or under Treasury's Home Affordable Modification Program (''HAMP''). Instead, they fall within two general categories: using EESA funds to pay lawyers to represent distressed borrowers in state foreclosure proceedings, or using funds to provide general support to legal aid programs related to foreclosure prevention. Given the breadth of the proposals, legal aid services frequently would result in outcomes other than loan modifications. Accordingly, they are not—by definition—necessary or essential to loan modification programs under the HFA Hardest-Hit Fund. Moreover, even if the HFAs' proposals were more targeted, most borrowers can obtain modifications without traditional legal services. That is, there is no need for representation in court proceedings, no requirement to file papers or cite legal authorities, and no need to negotiate contracts (because the modifications are standardized).

We recognize that some Comptroller General opinions suggest that expenditures merely need to be ''reasonably related'' or ''contribute materially'' to an authorized statutory purpose. Here, one could argue that a general statutory purpose of EESA is to prevent foreclosures and that any expenditures reasonably related to that purpose are permissible. We believe that such an interpretation sweeps too broadly. It would authorize an almost unlimited number and variety of government expenditure—ie., anything that is reasonably related to preventing foreclosures. It also would render meaningless the express provisions in EESA that together provide authority for the HFA Hardest-Hit Fund: Section 101 authorizes the Secretary to purchase ''troubled assets from any financial institution,'' and 109(a) authorizes the Secretary to use ''loan guarantees and credit enhancements to facilitate loan modifications to prevent avoidable foreclosures.'' Lastly, such an interpretation would be contrary to how Treasury has implemented EESA.

C. Certain Limited Intake and Follow-Up Services Are Eligible for EESA Funding.

Finally, it is instructive to compare the HFAs' legal aid proposals to the much narrower intake and follow-up services related to TARP-funded modifications that are provided by homeowner counseling agencies. We previously have concluded that these services satisfy the Comptroller General's test and are eligible for EESA funding.

Most HFAs have submitted proposals to Treasury that include services narrowly tailored to obtaining modifications under the HFA Hardest-Hit Fund programs, such as: (i) making prequalification assessments of eligibility and submitting the qualified applications to the HFAs; (ii) obtaining supporting documentation from the borrowers and providing it to the HFAs; (iii) ensuring that borrowers execute the necessary documents for HFA Hardest-Hit Fund programs; (iv) conducting post-closing meetings with borrowers receiving assistance to ensure that they are complying with the HFA Hardest-Hit Fund programs; and/or (v) verifying the steps that the borrower has taken to find a job.

In contrast to legal aid, these particular services do not fall within the scope of other existing appropriations. Moreover, they are ''necessary'' and ''essential'' to running a mortgage modification program, within the meaning of the Comptroller General opinions. The HFAs have represented that in the absence of intake and follow-up services, both the number of applicants and the number of approved participants will be materially smaller. These services are necessary for many borrowers to participate in the HFA Hardest-Hit Fund programs, and it will be very difficult for many of these programs to run effectively without such services. In addition, intake and follow-up services are directly related to the HFA Hardest-Hit Fund programs. They will neither be available to nor assist applicants to other, non-TARP funded programs.

IV. CONCLUSION.

We recognize that legal aid services—such as representing a borrower in court to avoid a foreclosure, or advising a borrower about his or her legal rights—may be helpful to preventing foreclosures. However, EESA does not expressly authorize payments for such services, and Congress has provided other federal funds for the same types of services proposed by the HFAs. Moreover, unlike the specific counseling services that HFAs have proposed, legal aid services are not necessary or essential to the implementation of the particular HFA Hardest-Hit Fund programs, within the meaning of the Comptroller General opinions. For all these reasons, Treasury has determined that legal aid services are not eligible for EESA funding from the HFA Hardest-Hit Fund.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Well, apparently the gentleman from Nebraska, having denounced those bailouts, now tells us he voted for it. So it's confession time before the House. He apparently voted for the measure that he characterizes as a ''bailout'' that was such an imposition.

Secondly, I have never heard anything more confusing than this discussion of the letters. Yes, the Secretary wrote and said, I don't now have the authority. And we then said, Okay. We will give you the authority.

Mr. TERRY. Will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Nebraska.

Mr. TERRY. We were referring to the gentlelady from Ohio's statement on the floor that she has a letter saying that they support this. We have not seen a letter that says that.

Mr. FRANK of Massachusetts. I know you haven't seen the letter. I told her that the Secretary told me the letter is coming. The letter is now being cleared by OMB. So we don't have the letter yet—the letter has been written—but I can tell you the Secretary says he wants it.

The gentleman's discussion of the letter is totally confused—and confusing, as a consequence.

Yes, there was a letter saying we don't now have the authority. This gives them the authority, which they welcome. Secondly, this does not extend the TARP at all. This does not extend the TARP in any way. And as to getting repaid, there is legislation that we added to the TARP that requires that at the end of the TARP program, 5 years from the date of it, 2013, the President must submit to us legislation that gives us a way to get it back from the financial services industry.

So, yes, this will be repaid to the taxpayer by the financial services industry. By the way, the TARP is now down to a total of 25. This does not add $1 or 1 day to the TARP, either in its lifetime or in its funding.

The gentleman said, well, there is money in legal services. Yes. The legal services appropriation last year was passed before we understood the extent of the mistake, the fraud, and the abuse in the foreclosure process. That is exactly right. The $400 million in legal services did not anticipate what we have since learned about abuses in the foreclosure process.

Finally, the gentleman said do it through the appropriation. We have done that as well. We have asked for $35 million additional. By the way, this is not extra money. The appropriations would be additional money. But I will look forward to their support when that happens.

Mr. Speaker, I would now yield 3 minutes to the gentlewoman from Ohio (Ms. KILROY).

Ms. KILROY. I thank the chairman, and I thank the gentlelady, my colleague from Ohio, Congresswoman KAPTUR, for bringing this bill forward.

You know, the hardest hit funds were put into place with the intention of assisting and helping people in States that have been hard hit by the foreclosure crisis that has enveloped this country, States like Ohio that have been hit for years over and over again with record foreclosures.

We have tried various ways to assist in this issue, and the President and the Treasury came up with and we approved the Hardest Hit Fund Program, H.R. 5510. That allows States to put together a plan for how they want to address the issue of foreclosures inside their own State. The States need to agree.

Now, some States wanted to include legal services in their plans and were not able to do it. States like Ohio were not able to do it, even though the use of attorneys in the process can be a very cost effective and useful way of moving the cases forward, of coming to agreement, of helping people come up with a plan and helping the banks to agree with it. Sometimes they are needed because there are egregious abuses on the other side in the foreclosure process that need to be addressed. But sometimes, in counties like mine, Franklin County, Ohio, where, when I was a county commissioner, we set up a court mediation process for foreclosures, lawyers are needed and useful in, again, bringing the parties together and helping them resolve the issues with respect to their mortgages, their refinancing, and their ability to keep their home, which is a major investment in their life. And keeping people in their homes also helps our communities. It helps our neighborhoods, because every time we have a foreclosure, we see crime going up and we see the value of their neighbors' properties going down.

□ 1140

This fix to allow Treasury to approve plans submitted by States that want to use legal services will help this process move forward in an effective, just, and cost-effective way.

I thank the gentleman.

Mr. FRANK of Massachusetts. How much time is remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2 minutes remaining, and the gentleman from Nebraska has 10½ minutes remaining.

Mr. TERRY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE) who was actually a sponsor of the bill.

Mr. LATOURETTE. Mr. Speaker, I wasn't going to come over and talk on this bill this morning, but there's some things that are upsetting me as we wind down this lame duck session, and I think there's one merciful thing that could happen around here—this lame duck ought to be killed because nothing good's occurring at the moment.

But this particular bill, I am a proud cosponsor of this bill with Ms. KAPTUR and I commend her for moving this legislation; and as a matter of fact, we were engaged in some conversations last night to clear it for unanimous consent. That didn't quite work out because there are, as you know from the debate today, some objections.

But I have to say that having listened to the discussion, the objections fall short, in my estimation. This bill doesn't extend TARP. By the way, for the record, I voted against TARP despite the fact that President Bush wanted us to vote for it, Secretary Paulson and a number of our leadership. I thought it was a bad idea, continue to think it's a bad idea even though some people say it saved America. Bad idea because it had no rules. We're going to do this—no, we're going to do that—we're going to buy banks, whatever.

But, anyway, so the money is already out there, however, and all this bill does is say that States may have an option, if they choose, to take some of the money in the hard hit fund and allow people who are being foreclosed upon unjustly to use those funds for legal representation. No class action, no ACORN, no peanuts, no nothing. I mean, this is a clean bill when it comes to that, and I think that we are letting form subsume substance.

Yesterday, I was on the floor and I was a cosponsor on a piece of legislation with the gentlelady from Minnesota (Ms. MCCOLLUM) that would have just moved money, no new money, would have moved money so that societies that are coercing young girls into marriage, we could build them latrines so they could go to school or we could make sure that they could stay in school so they're not forced into marriage at the age of 12 and 13. All of a sudden, there is a fiscal argument. When that didn't work, people had to add an abortion element to it.

Look, this is a partisan place. I'm a Republican. I'm glad that we beat their butt in the election and we're going to be in the majority next year. But there comes a time when enough is enough, and MCCOLLUM's bill was a good bill last night. KAPTUR's bill is a good bill today. We should stop the nonsense, approve the bill and move on.

Mr. TERRY. I yield myself such time as I may consume.

The point here is there's an appropriate vehicle and this isn't it. We already have taxpayers paying into legal services. Perhaps there should have been more money in there, but we didn't go through an appropriations process for this area this year. That was the majority's decision here. We can have this argument and debate, but that's the proper course here. And it needs to go through regular service. This is not.

Enough is enough. My friend from Ohio is right, enough is enough. Let's let TARP die. We want it gone. It served its purpose. Let's not keep it alive. Let's use the appropriate ways to do this, which is Legal Services Corporation.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield the balance of my time to one of the single most effective fighters against unfair foreclosures on our committee and among the leaders in the Nation, the gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore. The gentlewoman is recognized for 2 minutes.

Ms. WATERS. Thank you very much.

Mr. Speaker and Members, I'd first like to thank BARNEY FRANK for all of the efforts he's put into helping homeowners and the leadership that he's provided on this committee, the Financial Services Committee.

I'd like to thank MARCY KAPTUR. She has been a stalwart, not on the committee but working every day because she's in one of the hardest hit States, but so am I in California.

It is unthinkable that we could have used TARP funds for every major corporation, all of the banks, all of the too-big-to fail, and yet we would deny homeowners in the heart of his State some assistance. What are we saying? These are people who have followed the American Dream, and we have found that all kinds of exotic products were put on the market. Many of them were tricked into signing on the dotted line, and now we have whole communities that are being boarded up, that are in foreclosure, communities that are being driven into the ground because cities can't afford to keep them up.

We've done everything that we could do. We had the NSP. We have assistance to unemployed folks. We're trying to do everything with not a lot of help from the administration or from the regulatory agencies in general.

The HAMP program simply has not worked. We need to send a message and a real substantive message to the people and homeowners of America that we care about them. We don't want them put on the street. We don't want them losing their homes. The services or the too-big-to-fail banks, everybody has made out on the backs of the American public. What's wrong with using some of the TARP money for legal assistance?

People are trying very hard to fight these battles alone. They can't get in touch with the services. They're trying to figure out where the notes are, who really owns the mortgages. We have found that all kind of robo-signing is going on. This whole industry has failed us and we are allowing these homeowners to swim out there alone by themselves with no help.

Let's help the American people. This is the least that we can do as we close out this 111th Congress. We can not only send this message, but we could stand up and demand that they get the kind of help that will keep them and their families in their homes.

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to submit the following letter from

the Secretary of the Treasury Timothy Geithner to Congresswoman MARCY KAPTUR:

DEPARTMENT OF THE TREASURY
Washington, DC, December 17, 2010.

Hon. MARCY KAPTUR,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KAPTUR: I am writing in support of your proposed legislation, the ''Aiding Those Facing Foreclosure Act of 2010'', H.R. 5510, as amended for consideration under suspension of the Rules.

This legislation would permit the funding of legal aid and other services to struggling homeowners through the Housing Finance Agency Innovation Fund for the Hardest-Hit Housing Markets program (''Hardest-Hit Fund''). Under current law, funds available under the Emergency Economic Stabilization Act of 2008, which are being used to finance the Hardest-Hit Fund, cannot be used for legal aid services. If the legislation is enacted, I believe Treasury would have the authority to approve proposals for Hardest-Hit Fund monies that were Previously allocated to states to be used for legal aid services to homeowners.

I appreciate your ongoing commitment to this critical issue.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in support of H.R. 5510, the Aiding Those Facing Foreclosure Act, which would redirect bank bailout funds to help struggling homeowners stay in their homes.

Mr. Speaker, the American people are deeply frustrated with the financial services industry. The same lenders who begged for taxpayer-funded welfare to survive their own mistakes now carelessly and summarily throw American families out of their homes. When they came to Congress hat in hand, having imperiled the global economy, they implored us to bail them out with claims that the American people would suffer if they were allowed to fail. Now, once again boasting record profits, they are throwing the American people under the bus.

I applaud the distinguished gentle lady from Ohio, Ms. CASTOR, for her courageous efforts to produce this bill, which would take bank bailout money and put it to good use assisting homeowners who face the nightmare of foreclosure.

I opposed the bank bailout known as TARP in 2008. I am pleased now to support redirecting those funds to a better cause.

I urge swift passage of H.R. 5510, a common sense bill that serves the public interest, not the rich, powerful, and connected.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. CAPUANO) that the House suspend the rules and pass the bill, H.R. 5510, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TERRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6523) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6523

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the ''Ike Skelton National Defense Authorization Act for Fiscal Year 2011''.

(b) REFERENCES.—Any reference in this or any other Act to the ''National Defense Authorization Act for Fiscal Year 2011'' shall be deemed to refer to the ''Ike Skelton National Defense Authorization Act for Fiscal Year 2011''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

Subtitle B—Navy Programs

Sec. 111. Multiyear funding for detail design and construction of LHA Replacement ship designated LHA–7.
Sec. 112. Requirement to maintain Navy airborne signals intelligence, surveillance, and reconnaissance capabilities.
Sec. 113. Report on naval force structure and missile defense.
Sec. 114. Reports on service-life extension of F/A–18 aircraft by the Department of the Navy.

Subtitle C—Joint and Multiservice Matters

Sec. 121. Limitations on biometric systems funds.
Sec. 122. System management plan and matrix for the F–35 Joint Strike Fighter aircraft program.
Sec. 123. Quarterly reports on use of Combat Mission Requirements funds.
Sec. 124. Counter-improvised explosive device initiatives database.
Sec. 125. Study on lightweight body armor solutions.
Sec. 126. Integration of solid state laser systems into certain aircraft.
Sec. 127. Contracts for commercial imaging satellite capacities.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Enhancement of Department of Defense support of science, mathematics, and engineering education.
Sec. 212. Limitation on use of funds by Defense Advanced Research Projects Agency for operation of National Cyber Range.
Sec. 213. Separate program elements required for research and development of Joint Light Tactical Vehicle.
Sec. 214. Program for research, development, and deployment of advanced ground vehicles, ground vehicle systems, and components.
Sec. 215. Demonstration and pilot projects on cybersecurity.

Subtitle C—Missile Defense Programs

Sec. 221. Sense of Congress on ballistic missile defense.
Sec. 222. Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities.
Sec. 223. Limitation on availability of funds for missile defense interceptors in Europe.
Sec. 224. Medium Extended Air Defense System.
Sec. 225. Acquisition accountability reports on the ballistic missile defense system.
Sec. 226. Authority to support ballistic missile shared early warning with the Czech Republic.
Sec. 227. Report on phased, adaptive approach to missile defense in Europe.
Sec. 228. Independent review and assessment of the Ground-Based Midcourse Defense system.
Sec. 229. Iron Dome short-range rocket defense program.

Subtitle D—Reports

Sec. 231. Report on analysis of alternatives and program requirements for the Ground Combat Vehicle program.
Sec. 232. Cost benefit analysis of future tank-fired munitions.
Sec. 233. Annual Comptroller General report on the VH–(XX) presidential helicopter acquisition program.

Subtitle E—Other Matters

Sec. 241. Sense of Congress affirming the importance of Department of Defense participation in development of next generation semiconductor technologies.
Sec. 242. Pilot program on collaborative energy security.
Sec. 243. Pilot program to include technology protection features during research and development of defense systems.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environmental Provisions

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

Sec. 312. Payment to Environmental Protection Agency of stipulated penalties in connection with Naval Air Station, Brunswick, Maine.
Sec. 313. Requirements related to the investigation of exposure to drinking water at Camp Lejeune, North Carolina.
Sec. 314. Comptroller General assessment on military environmental exposures.

Subtitle C—Workplace and Depot Issues

Sec. 321. Technical amendments to requirement for service contract inventory.
Sec. 322. Repeal of conditions on expansion of functions performed under prime vendor contracts for depot-level maintenance and repair.
Sec. 323. Prohibition on establishing goals or quotas for conversion of functions to performance by Department of Defense civilian employees.

Subtitle D—Reports

Sec. 331. Additional reporting requirements relating to corrosion prevention projects and activities.
Sec. 332. Modification and repeal of certain reporting requirements.
Sec. 333. Report on Air Sovereignty Alert mission.
Sec. 334. Report on the SEAD/DEAD mission requirement for the Air Force.
Sec. 335. Requirement to update study on strategic seaports.

Subtitle E—Limitations and Extensions of Authority

Sec. 341. Permanent authority to accept and use landing fees charged for use of domestic military airfields by civil aircraft.
Sec. 342. Extension of Arsenal Support Program Initiative.
Sec. 343. Limitation on obligation of funds for the Army Human Terrain System.
Sec. 344. Limitation on obligation of funds pending submission of classified justification material.
Sec. 345. Requirements for transferring aircraft within the Air Force inventory.
Sec. 346. Commercial sale of small arms ammunition in excess of military requirements.

Subtitle F—Other Matters

Sec. 351. Expedited processing of background investigations for certain individuals.
Sec. 352. Revision to authorities relating to transportation of civilian passengers and commercial cargoes by Department of Defense when space unavailable on commercial lines.
Sec. 353. 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. 354. Authority for payment of full replacement value for loss or damage to household goods in limited cases not covered by carrier liability.
Sec. 355. Recovery of improperly disposed of Department of Defense property.
Sec. 356. Operational readiness models.
Sec. 357. Sense of Congress regarding continued importance of High-Altitude Aviation Training Site, Colorado.
Sec. 358. Study of effects of new construction of obstructions on military installations and operations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2011 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Ages for appointment and mandatory retirement for health professions officers.
Sec. 502. Authority for appointment of warrant officers in the grade of W–1 by commission and standardization of warrant officer appointing authority.
Sec. 503. Nondisclosure of information from discussions, deliberations, notes, and records of special selection boards.
Sec. 504. Administrative removal of officers from promotion list.
Sec. 505. Modification of authority for officers selected for appointment to general and flag officer grades to wear insignia of higher grade before appointment.
Sec. 506. Temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.

Subtitle B—Reserve Component Management

Sec. 511. Removal of statutory distribution limits on Navy reserve flag officer allocation.
Sec. 512. Assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program.
Sec. 513. Temporary authority for temporary employment of non-dual status military technicians.
Sec. 514. Revision of structure and functions of the Reserve Forces Policy Board.
Sec. 515. Repeal of requirement for new oath when officer transfers from active-duty list to reserve active-status list.
Sec. 516. Leave of members of the reserve components of the Armed Forces.
Sec. 517. Direct appointment of graduates of the United States Merchant Marine Academy into the National Guard.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Technical revisions to definition of joint matters for purposes of joint officer management.
Sec. 522. Modification of promotion board procedures for joint qualified officers and officers with Joint Staff experience.

Subtitle D—General Service Authorities

Sec. 531. Extension of temporary authority to order retired members of the Armed Forces to active duty in high-demand, low-density assignments.
Sec. 532. Non-chargeable rest and recuperation absence for certain members undergoing extended deployment to a combat zone.
Sec. 533. Correction of military records.
Sec. 534. Disposition of members found to be fit for duty who are not suitable for deployment or worldwide assignment for medical reasons.
Sec. 535. Review of laws, policies, and regulations restricting service of female members of the Armed Forces.

Subtitle E—Military Justice and Legal Matters

Sec. 541. Continuation of warrant officers on active duty to complete disciplinary action.
Sec. 542. Enhanced authority to punish contempt in military justice proceedings.
Sec. 543. Improvements to Department of Defense domestic violence programs.

Subtitle F—Member Education and Training Opportunities and Administration

Sec. 551. Enhancements of Department of Defense undergraduate nurse training program.
Sec. 552. Repayment of education loan repayment benefits.
Sec. 553. Participation of Armed Forces Health Professions Scholarship and Financial Assistance Program recipients in active duty health profession loan repayment program.
Sec. 554. Active duty obligation for military academy graduates who participate in the Armed Forces Health Professions Scholarship and Financial Assistance program.

Subtitle G—Defense Dependents' Education

Sec. 561. 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. 562. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 563. Impact aid for children with severe disabilities.

Subtitle H—Decorations and Awards

Sec. 571. Clarification of persons eligible for award of bronze star medal.
Sec. 572. Authorization and request for award of Distinguished-Service Cross to Shinyei Matayoshi for acts of valor during World War II.
Sec. 573. Authorization and request for award of Distinguished-Service Cross to Jay C. Copley for acts of valor during the Vietnam War.
Sec. 574. Program to commemorate 60th anniversary of the Korean War.

Subtitle I—Military Family Readiness Matters
Sec. 581. Appointment of additional members of Department of Defense Military Family Readiness Council.
Sec. 582. Enhancement of community support for military families with special needs.
Sec. 583. Modification of Yellow Ribbon Reintegration Program.
Sec. 584. Expansion and continuation of Joint Family Support Assistance Program.
Sec. 585. Report on military spouse education programs.
Sec. 586. Report on enhancing benefits available for military dependent children with special education needs.
Sec. 587. Reports on child development centers and financial assistance for child care for members of the Armed Forces.
Subtitle J—Other Matters
Sec. 591. 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. 592. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 593. Admission of defense industry civilians to attend United States Air Force Institute of Technology.
Sec. 594. Updated terminology for Army Medical Service Corps.
Sec. 595. Date for submission of annual report on Department of Defense STARBASE Program.
Sec. 596. Extension of deadline for submission of final report of Military Leadership Diversity Commission.
TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances
Sec. 601. Ineligibility of certain Federal civilian employees for Reservist income replacement payments on account of availability of comparable benefits under another program.
Subtitle B—Bonuses and Special and Incentive Pays
Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
Subtitle C—Travel and Transportation Allowances
Sec. 621. Extension of authority to provide travel and transportation allowances for inactive duty training outside of normal commuting distances.
Sec. 622. Travel and transportation allowances for attendance at Yellow Ribbon Reintegration events.
Subtitle D—Disability, Retired Pay and Survivor Benefits
Sec. 631. Elimination of cap on retired pay multiplier for members with greater than 30 years of service who retire for disability.
Sec. 632. Payment date for retired and retainer pay.
Sec. 633. 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. 634. 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. 635. Sense of Congress concerning age and service requirements for retired pay for non-regular service.
Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations
Sec. 641. 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. 642. Feasibility study on establishment of full exchange store in the Northern Mariana Islands.
Sec. 643. Continuation of commissary and exchange operations at Brunswick Naval Air Station, Maine.
Subtitle F—Other Matters
Sec. 651. Report on basic allowance for housing for personnel assigned to sea duty.
Sec. 652. Report on savings from enhanced management of special pay for aviation career officers extending period of active duty.
TITLE VII—HEALTH CARE PROVISIONS
Subtitle A—Improvements to Health Benefits
Sec. 701. Extension of prohibition on increases in certain health care costs.
Sec. 702. Extension of dependent coverage under the TRICARE program.
Sec. 703. Survivor dental benefits.
Sec. 704. Aural screenings for members of the Armed Forces.
Sec. 705. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.
Subtitle B—Health Care Administration
Sec. 711. Administration of TRICARE.
Sec. 712. Postdeployment health reassessments for purposes of the medical tracking system for members of the Armed Forces deployed overseas.
Sec. 713. 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. 714. Improvements to oversight of medical training for Medical Corps officers.
Sec. 715. Health information technology.
Sec. 716. Education and training on use of pharmaceuticals in rehabilitation programs for wounded warriors.
Subtitle C—Other Matters
Sec. 721. Repeal of report requirement on separations resulting from refusal to participate in anthrax vaccine immunization program.
Sec. 722. Comprehensive policy on consistent neurological cognitive assessments of members of the Armed Forces before and after deployment.
Sec. 723. Assessment of post-traumatic stress disorder by military occupation.
Sec. 724. Licensed mental health counselors and the TRICARE program.
TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS
Subtitle A—Acquisition Policy and Management
Sec. 801. Disclosure to litigation support contractors.
Sec. 802. Designation of engine development and procurement program as major subprogram.
Sec. 803. Enhancement of Department of Defense authority to respond to combat and safety emergencies through rapid acquisition and deployment of urgently needed supplies.
Sec. 804. Review of acquisition process for rapid fielding of capabilities in response to urgent operational needs.
Sec. 805. Acquisition of major automated information system programs.
Sec. 806. Requirements for information relating to supply chain risk.
Subtitle B—Provisions Relating to Major Defense Acquisition Programs
Sec. 811. Cost estimates for program baselines and contract negotiations for major defense acquisition and major automated information system programs.
Sec. 812. Management of manufacturing risk in major defense acquisition programs.
Sec. 813. Modification and extension of requirements of the Weapon System Acquisition Reform Act of 2009.
Sec. 814. Inclusion of major subprograms to major defense acquisition programs under various acquisition-related requirements.
Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations
Sec. 821. Provisions relating to fire resistant fiber for production of military uniforms.
Sec. 822. Repeal of requirement for certain procurements from firms in the small arms production industrial base.
Sec. 823. Review of regulatory definition relating to production of specialty metals.
Sec. 824. Guidance relating to rights in technical data.
Sec. 825. Extension of sunset date for certain protests of task and delivery order contracts.
Sec. 826. Inclusion of option amounts in limitations on authority of the Department of Defense to carry out certain prototype projects.
Sec. 827. Permanent authority for Defense Acquisition Challenge Program; pilot expansion of Program.

Sec. 828. Energy savings performance contracts.
Sec. 829. Definition of materials critical to national security.

Subtitle D—Contractor Matters

Sec. 831. Oversight and accountability of contractors performing private security functions in areas of combat operations.
Sec. 832. Extension of regulations on contractors performing private security functions to areas of other significant military operations.
Sec. 833. Standards and certification for private security contractors.
Sec. 834. 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. 835. Annual joint report and Comptroller General review on contracting in Iraq and Afghanistan.

Subtitle E—Other Matters

Sec. 841. Improvements to structure and functioning of Joint Requirements Oversight Council.
Sec. 842. Department of Defense policy on acquisition and performance of sustainable products and services.
Sec. 843. Assessment and plan for critical rare earth materials in defense applications.
Sec. 844. Review of national security exception to competition.
Sec. 845. Requirement for entities with facility clearances that are not under foreign ownership control or influence mitigation.
Sec. 846. Procurement of photovoltaic devices.
Sec. 847. Non-availability exception from Buy American requirements for procurement of hand or measuring tools.
Sec. 848. Contractor logistics support of contingency operations.

Subtitle F—Improve Acquisition Act

Sec. 860. Short title.

PART I—DEFENSE ACQUISITION SYSTEM

Sec. 861. Improvements to the management of the defense acquisition system.
Sec. 862. Comptroller General report on Joint Capabilities Integration and Development System.
Sec. 863. Requirements for the acquisition of services.
Sec. 864. Review of defense acquisition guidance.
Sec. 865. Requirement to review references to services acquisition throughout the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement.
Sec. 866. Pilot program on acquisition of military purpose nondevelopmental items.

PART II—DEFENSE ACQUISITION WORKFORCE

Sec. 871. Acquisition workforce excellence.
Sec. 872. Amendments to the acquisition workforce demonstration project.
Sec. 873. Career development for civilian and military personnel in the acquisition workforce.
Sec. 874. Recertification and training requirements.
Sec. 875. Information technology acquisition workforce.
Sec. 876. Definition of acquisition workforce.
Sec. 877. Defense Acquisition University curriculum review.

PART III—FINANCIAL MANAGEMENT

Sec. 881. Audit readiness of financial statements of the Department of Defense.
Sec. 882. Review of obligation and expenditure thresholds.
Sec. 883. Disclosure and traceability of the cost of Department of Defense health care contracts.

PART IV—INDUSTRIAL BASE

Sec. 891. Expansion of the industrial base.
Sec. 892. Price trend analysis for supplies and equipment purchased by the Department of Defense.
Sec. 893. Contractor business systems.
Sec. 894. Review and recommendations on eliminating barriers to contracting with the Department of Defense.
Sec. 895. Inclusion of the providers of services and information technology in the national technology and industrial base.
Sec. 896. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy; Industrial Base Fund.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

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

Subtitle B—Space Activities

Sec. 911. Integrated space architectures.
Sec. 912. Limitation on use of funds for costs of terminating contracts under the National Polar-Orbiting Operational Environmental Satellite System Program.
Sec. 913. Limitation on use of funds for purchasing Global Positioning System user equipment.
Sec. 914. Plan for integration of space-based nuclear detection sensors.
Sec. 915. Preservation of the solid rocket motor industrial base.
Sec. 916. Implementation plan to sustain solid rocket motor industrial base.
Sec. 917. Review and plan on sustainment of liquid rocket propulsion systems industrial base.

Subtitle C—Intelligence-Related Matters

Sec. 921. Five-year extension of authority for Secretary of Defense to engage in commercial activities as security for intelligence collection activities.
Sec. 922. Modification of attendees at proceedings of Intelligence, Surveillance, and Reconnaissance Integration Council.
Sec. 923. Report on Department of Defense interservice management and coordination of remotely piloted aircraft support of intelligence, surveillance, and reconnaissance.
Sec. 924. Report on requirements fulfillment and personnel management relating to Air Force intelligence, surveillance, and reconnaissance provided by remotely piloted aircraft.

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

Sec. 931. Continuous monitoring of Department of Defense information systems for cybersecurity.
Sec. 932. Strategy on computer software assurance.
Sec. 933. Strategy for acquisition and oversight of Department of Defense cyber warfare capabilities.
Sec. 934. Report on the cyber warfare policy of the Department of Defense.
Sec. 935. Reports on Department of Defense progress in defending the Department and the defense industrial base from cyber events.

Subtitle E—Other Matters

Sec. 941. 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. 942. Additional requirements for quadrennial roles and missions review in 2011.
Sec. 943. Report on organizational structure and policy guidance of the Department of Defense regarding information operations.
Sec. 944. Report on organizational structures of the geographic combatant command headquarters.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Authorization of additional appropriations for operations in Afghanistan, Iraq, and Haiti for fiscal year 2010.
Sec. 1003. Budgetary effects of this Act.

Subtitle B—Counter-Drug Activities

Sec. 1011. Unified counter-drug and counter-terrorism campaign in Colombia.
Sec. 1012. Extension and modification of joint task forces support to law enforcement agencies conducting counter-terrorism activities.
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TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2011.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Army as follows:

(1) For aircraft, $5,908,384,000.

(2) For missiles, $1,670,463,000.

(3) For weapons and tracked combat vehicles, $1,656,263,000.

(4) For ammunition, $1,953,194,000.

(5) For other procurement, $9,758,965,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Navy as follows:

(1) For aircraft, $18,877,139,000.

(2) For weapons, including missiles and torpedoes, $3,358,264,000.

(3) For shipbuilding and conversion, $15,724,520,000.

(4) For other procurement, $6,381,815,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Marine Corps in the amount of $1,296,838,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement

of ammunition for the Navy and the Marine Corps in the amount of $817,991,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for the Air Force as follows:

(1) For aircraft, $14,668,408,000.

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

(3) For missiles, $5,444,464,000.

(4) For other procurement, $17,845,342,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2011 for Defense-wide procurement in the amount of $4,398,168,000.

Subtitle B—Navy Programs

SEC. 111. MULTIYEAR FUNDING FOR DETAIL DESIGN AND CONSTRUCTION OF LHA REPLACEMENT SHIP DESIGNATED LHA–7.

(a) AUTHORITY TO USE MULTIPLE YEARS OF FUNDING.—The Secretary of the Navy may enter into a contract for detail design and construction of the LHA Replacement ship designated LHA–7 that provides that, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2011 and 2012.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2011 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 112. REQUIREMENT TO MAINTAIN NAVY AIRBORNE SIGNALS INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

(a) FINDINGS.—Congress finds the following:

(1) The Navy terminated the EP-X program to acquire a new land-based airborne signals intelligence capability because of escalating costs and funds budgeted for the program were re-allocated to other priorities.

(2) The Navy took this action without planning and budgeting for alternative means to meet operational requirements for tactical-level and theater-level signals intelligence capabilities to support the combatant commands and national intelligence consumers.

(3) The principal Navy airborne signals intelligence capability today is the EP-3E Airborne Reconnaissance Integrated Electronic System II (ARIES II)—the aircraft and associated electronic equipment of this system are aging and will require replacement or substantial ongoing upgrades to continue to meet requirements.

(4) The Special Projects Aircraft (SPA) platform of the Navy is the second critical element in the airborne signals intelligence capability of the Navy and provides the Navy its most advanced, comprehensive multi-intelligence and quick-reaction capability available.

(b) REQUIREMENT TO MAINTAIN CAPABILITIES.—

(1) PROHIBITION ON RETIREMENT OF PLATFORMS.—The Secretary of the Navy may not retire (or to prepare to retire) the EP-3E Airborne Reconnaissance Integrated Electronic System II or Special Projects Aircraft platform.

(2) MAINTENANCE OF PLATFORMS.—The Secretary of the Navy shall continue to maintain, sustain, and upgrade the EP-3E Airborne Reconnaissance Integrated Electronic System II and Special Projects Aircraft platforms in order to provide capabilities necessary to operate effectively against rapidly evolving threats and to meet combatant commander operational intelligence, surveillance, and reconnaissance requirements.

(3) CERTIFICATION.—Not later than February 1, 2011, and annually thereafter, the Under Secretary of Defense for Intelligence and the Vice Chairman of the Joint Chiefs of Staff shall jointly certify to Congress the following:

(A) The Secretary of the Navy is maintaining and sustaining the EP-3E Airborne Reconnaissance Integrated Electronic System II and Special Projects Aircraft platform in a manner that meets the intelligence, surveillance, and reconnaissance requirements of the commanders of the combatant commands.

(B) Any plan for the retirement or replacement of the EP-3E Airborne Reconnaissance Integrated Electronic System II or Special Projects Aircraft platform will provide, in the aggregate, an equivalent or superior capability and capacity to the platform concerned.

(4) TERMINATION.—The requirements of this subsection with respect to the EP-3E Airborne Reconnaissance Integrated Electronic System II or the Special Projects Aircraft platform shall expire on the commencement of the fielding by the Navy of a platform or mix of platforms and sensors that are, in the aggregate, equivalent or superior to the EP-3E Airborne Reconnaissance Integrated Electronic System II (spiral 3) or the Special Projects Aircraft (P909) platform.

(c) RESTRICTION ON TRANSFER OF SABER FOCUS PROGRAM ISR CAPABILITIES.—

(1) RESTRICTION.—The Secretary of the Navy may not transfer the Saber Focus unmanned aerial system, associated equipment, or processing, exploitation, and dissemination capabilities of the Saber Focus program to the Secretary of the Air Force until 30 days after the Secretary of the Air Force certifies to the congressional defense committees that after such a transfer, the Secretary of the Air Force will provide intelligence, surveillance, and reconnaissance (hereinafter in this section referred to as ''ISR'') capabilities at the same or greater capability and capacity level as the capability or capacity level at which the Saber Focus program provides such capabilities to the area of operations concerned as of the date of the enactment of this Act.

(2) CONTINUED NAVY PROVISION OF CAPABILITIES.—The Secretary of the Navy shall continue to provide Saber Focus ISR program capabilities at the same or greater capability and capacity level as the capability or capacity level at which the Saber Focus program provides such capabilities as of the date of the enactment of this Act to the area of operations concerned until—

(A) the certification referred to in paragraph (1) is provided to the congressional defense committees; or

(B) 30 days after the Secretary of Defense certifies to the congressional defense committees that the ISR capabilities of the Saber Focus program are no longer required to mitigate the ISR requirements of the combatant commander in the area of operations concerned.

SEC. 113. REPORT ON NAVAL FORCE STRUCTURE AND MISSILE DEFENSE.

(a) REPORT.—Not later than March 31, 2011, the Secretary of Defense, in coordination with the Secretary of the Navy and the Chief of Naval Operations, shall submit to the congressional defense committees a report on the force structure requirements of the major combatant surface vessels with respect to ballistic missile defense.

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

(1) An analysis of whether the requirement for sea-based missile defense can be accommodated by upgrading Aegis ships that exist as of the date of the report or by procuring additional combatant surface vessels.

(2) A discussion of whether such sea-based missile defense will require increasing the overall number of combatant surface vessels beyond the requirement of 88 cruisers and destroyers in the 313-ship fleet plan of the Navy.

(3) A discussion of the process for determining the number of Aegis ships needed by each commander of the combatant commands to fulfill ballistic missile defense requirements, including (in consultation with the Chairman of the Joints Chiefs of Staff) the number of such ships needed to support the phased, adaptive approach to ballistic missile defense in Europe.

(4) A discussion of the impact of Aegis Ashore missile defense deployments, as well as deployment of other elements of the ballistic missile defense system, on Aegis ballistic missile defense ship force structure requirements.

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

(6) An evaluation of how the Aegis ballistic missile defense program can succeed as part of a balanced fleet of adequate size and strength to meet the security needs of the United States.

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

(8) A description of the anticipated plan for deployment of Aegis ballistic missile defense ships within the context of the fleet response plan.

SEC. 114. REPORTS ON SERVICE-LIFE EXTENSION OF F/A–18 AIRCRAFT BY THE DEPARTMENT OF THE NAVY.

(a) COST-BENEFIT ANALYSIS OF SERVICE LIFE EXTENSION OF F/A–18 AIRCRAFT.—Before the Secretary of the Navy may enter into a program to extend the service life of F/A–18 aircraft beyond 8,600 hours, the Secretary shall—

(1) conduct a cost-benefit analysis, in accordance with Office of Management and Budget Circular A–94, comparing extending the service life of existing F/A–18 aircraft with procuring additional F/A–18E or F/A–18F aircraft as a means of managing the shortfall of the Department of the Navy in strike fighter aircraft; and

(2) submit to the congressional defense committees a report on such cost-benefit analysis.

(b) ELEMENTS OF COST-BENEFIT ANALYSIS.—The cost-benefit analysis required by subsection (a)(1) shall include the following:

(1) An estimate of the full costs, over the period covered by the future-years defense program submitted to Congress under section 221 of title 10, United States Code, with the budget of the President, of extending legacy F/A–18 aircraft beyond 8,600 hours, including—

(A) any increases in operation and maintenance costs associated with operating such aircraft beyond a service life of 8,600 hours; and

(B) the costs with respect to the airframe, avionics, software, and aircraft subsystems and components required to remain relevant in countering future threats and meeting the warfighting requirements of the commanders of the combatant commands.

(2) An estimate of the full costs, over the period covered by such future-years defense program, of procuring such additional F/A–18E or F/A–18F aircraft as would be required to meet the strike fighter requirements of the Department of the Navy in the event the service life of legacy F/A–18 aircraft is not extended beyond 8,600 hours.

(3) An assessment of risks associated with extending the service life of legacy F/A–18 aircraft beyond 8,600 hours, including the level of certainty that the Secretary will be able to achieve such an extension.

(4) An estimate of the cost-per-flight hour incurred in operating legacy F/A–18 aircraft with a service life extended beyond 8,600 hours.

(5) An estimate of the cost-per-flight hour incurred for operating new F/A–18E or FA–18F aircraft.

(6) An assessment of any alternatives to extending the service life of legacy F/A–18 aircraft beyond 8,600 hours or buying additional F/A–18E or F/A–18F aircraft that may be available to the Secretary to manage the shortfall of the Department of the Navy in strike fighter aircraft.

(c) ADDITIONAL ELEMENTS OF REPORT.—In addition to the information required in the cost-benefit analysis under subsection (b), the report under subsection (a)(2) shall include an assessment of the following:

(1) Differences in capabilities of—

(A) legacy F/A–18 aircraft that have undergone service-life extension;

(B) F/A–18E or F/A–18F aircraft; and

(C) F–35C aircraft.

(2) Differences in capabilities that would result under the legacy F/A–18 aircraft service-life extension program if such program would—

(A) provide only airframe-life extensions to the legacy F/A–18 aircraft fleet; and

(B) provide for airframe-life extensions and capability upgrades to the legacy F/A–18 aircraft fleet.

(3) Any disruption that procuring additional F/A–18E or F/A–18F aircraft, rather than extending the service life of legacy F/A–18 aircraft beyond 8,600 hours, would have on the plan of the Navy to procure operational carrier-variant Joint Strike Fighter aircraft.

(4) Any changes that procuring additional F/A–18E or FA–18F aircraft, rather than extending the service life of legacy F/A–18 aircraft beyond 8600 hours, would have on the force structure or force mix intended by the Navy for its carrier air wings.

(5) Any other operational implication of extending (or not extending) the service life of legacy F/A–18 aircraft that the Secretary considers appropriate.

(d) REPORT ON OPERATIONAL F/A–18 AIRCRAFT SQUADRONS.—Before reducing the number of F/A–18 aircraft in an operational squadron of the Navy or Marine Corps, the Secretary shall submit to the congressional defense committees a report that discusses the operational risks and impacts of reducing the squadron size. The report shall include an assessment of the following:

(1) The effect of the reduction on the operational capability and readiness of the Navy and the Marine Corps to conduct overseas contingency operations.

(2) The effect of the reduction on the capability of the Navy and the Marine Corps to meet ongoing operational demands.

(3) Any mechanisms the Secretary intends to use to mitigate any risks associated with the squadron size reduction.

(4) The effect of the reduction on pilots and ground support crews of F/A–18 aircraft, in terms of training, readiness, and war fighting capabilities.

(e) REPORT ON F/A–18 AIRCRAFT TRAINING SQUADRONS.—Before reducing the size of an F/A–18 aircraft training squadron, or transferring an F/A–18 training aircraft for operational needs, the Secretary shall submit to the congressional defense committees a report that describes—

(1) any risks to sustaining required training of F/A–18 aircraft pilots with a reduced training aircraft base; and

(2) any actions the Navy is taking to mitigate the risks described under paragraph (1).

Subtitle C—Joint and Multiservice Matters

SEC. 121. LIMITATIONS ON BIOMETRIC SYSTEMS FUNDS.

Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2011 for biometrics programs and operations, not more than 85 percent may be obligated or expended until—

(1) the Secretary of Defense submits to the congressional defense committees a report on the actions taken and planned to be taken—

(A) to implement subparagraphs (A) through (F) of paragraph (16) of the National Security Presidential Directive dated June 5, 2008 (NSPD–59);

(B) to implement the recommendations of the Comptroller General of the United States included in the report of the Comptroller General numbered GAO–08–1065 dated September 2008;

(C) to implement the recommendations of the Comptroller General included in the report of the Comptroller General numbered GAO–09–49 dated October 2008;

(D) to fully and completely characterize the current biometrics architecture and establish the objective architecture for the Department of Defense;

(E) to ensure that an official of the Office of the Secretary of Defense has the authority necessary to be responsible for ensuring that all funding for biometrics programs and operations is programmed, budgeted, and executed; and

(F) to ensure that an officer within the Office of the Joint Chiefs of Staff has the authority necessary to be responsible for ensuring the development and implementation of common and interoperable standards for the collection, storage, and use of biometrics data by all commanders of the combatant commands and their commands; and

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

SEC. 122. SYSTEM MANAGEMENT PLAN AND MATRIX FOR THE F–35 JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.

(a) SYSTEM MANAGEMENT PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish a management plan for the F–35 Joint Strike Fighter aircraft program under which decisions to commit to specified levels of production are linked to progress in meeting specified program milestones, including design, manufacturing, testing, and fielding milestones for critical system maturity elements.

(2) NATURE OF PLAN.—The plan under paragraph (1) shall align technical progress milestones with acquisition milestones in a system maturity matrix. The matrix shall provide criteria and conditions for comparing expected levels of demonstrated system maturity with annual production commitments, starting with the fiscal year 2012 production program, and continuing over the remaining life of the system development and demonstration program. The matrix and criteria shall include elements such as the following:

(A) Manufacturing maturity, including ontime deliveries, manufacturing process control, quality rates, and labor efficiency rates.

(B) Engineering maturity, including metrics for the number of new design actions and number of design changes in a given period.

(C) Performance and testing progress, including test points, hours and flights accomplished, capabilities demonstrated, key performance parameters, and attributes demonstrated.

(D) Mission effectiveness and system reliability, including operational effectiveness and reliability growth.

(E) Training, fielding, and deployment status.

(b) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the plan required by subsection (a). The report shall include—

(A) the proposed system maturity matrix described in subsection (a)(2), including a description, for each element specified in the matrix under subsection (a)(2), of the criteria and milestones to be used in evaluating actual program performance against planned performance for each annual production commitment; and

(B) a description of the actions to be taken to implement the plan.

(2) UPDATES.—The Secretary shall submit to Congress, at or about the same time as the submittal to Congress of the budget of the President for any fiscal year after fiscal year 2012 (as submitted pursuant to section 1105(a) of title 31, United States Code), any modification to the plan required by subsection (a) that was made during the preceding calendar year, including a rationale for each such modification.

(c) REPORT ON CAPABILITIES OF MARINE CORPS VARIANT OF F–35 FIGHTER AIRCRAFT AT INITIAL OPERATING CAPABILITY.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the expected capabilities of the F–35B Joint Strike Fighter aircraft at the time when the Marine Corps plans to declare Initial Operating Capability for the F–35B Joint Strike Fighter aircraft. The report shall be prepared in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) ELEMENTS.—The report under paragraph (1) shall including a description of the following with respect to the F–35B Joint Strike Fighter aircraft:

(A) Performance of the aircraft and its subsystems, compared to key performance parameters.

(B) Expected capability to perform Marine Corps missions.

(C) Required maintenance and logistics standards, including mission capability rates.

(D) Expected levels of crew training and performance.

(E) Product improvements that are planned before the Initial Operating Capability of the aircraft to be made after the Initial Operating Capability of the aircraft, as planned in March 2010.

SEC. 123. QUARTERLY REPORTS ON USE OF COMBAT MISSION REQUIREMENTS FUNDS.

(a) QUARTERLY REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal quarter, the commander of the United States Special Operations Command shall submit to the congressional defense committees a report on the use of Combat Mission Requirements funds during the preceding fiscal quarter.

(2) COMBAT MISSION REQUIREMENTS FUNDS.—For purposes of this section, Combat Mission Requirements funds are amounts available to the Department of Defense for Defense-wide procurement in the Combat Mission Requirements subaccount of the Defense-wide Procurement account.

(b) ELEMENTS.—Each report under subsection (a) shall include, for the fiscal quarter covered by such report, the following:

(1) The balance of the Combat Mission Requirements subaccount at the beginning of such quarter.

(2) The balance of the Combat Mission Requirements subaccount at the end of such quarter.

(3) Any transfer of funds into or out of the Combat Mission Requirements subaccount during such quarter, including the source of any funds transferred into the subaccount, and the objective of any transfer of funds out of the subaccount.

(4) A description of any requirement—

(A) approved for procurement using Combat Mission Requirements funds during such quarter; or

(B) procured using such funds during such quarter.

(5) With respect to each description of a requirement under paragraph (4), the amount of Combat Mission Requirements funds committed to the procurement or approved procurement of such requirement.

(c) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 124. COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVES DATABASE.

(a) COMPREHENSIVE DATABASE.—

(1) IN GENERAL.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall develop and maintain a comprehensive database containing appropriate information for coordinating, tracking, and archiving each counter-improvised explosive device initiative within the Department of Defense. The database shall, at a minimum, ensure the visibility of each counter-improvised explosive device initiative.

(2) USE OF INFORMATION.—Using information contained in the database developed under paragraph (1), the Secretary, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

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

(B) facilitate the transition of counter-improvised explosive device initiatives from funding under the Joint Improvised Explosive Device Defeat Fund to funding provided by the military departments; and

(C) notify the appropriate personnel and organizations prior to a counter-improvised explosive device initiative being funded through the Joint Improvised Explosive Device Defeat Fund.

(3) COORDINATION.—In carrying out paragraph (1), the Secretary shall ensure that the Secretary of each military department coordinates and collaborates on development of the database to ensure its interoperability, completeness, consistency, and effectiveness.

(b) METRICS.—The Secretary of Defense, acting through the Director of the Joint Improvised Explosive Device Defeat Organization, shall—

(1) develop appropriate means to measure the effectiveness of counter-improvised explosive device initiatives; and

(2) prioritize the funding of such initiatives according to such means.

(c) COUNTER-IMPROVISED EXPLOSIVE DEVICE INITIATIVE DEFINED.—In this section, the term ''counter-improvised explosive device initiative'' means any project, program, or research activity funded by any component of the Department of Defense that is intended to assist or support efforts to counter, combat, or defeat the use of improvised explosive devices.

SEC. 125. STUDY ON LIGHTWEIGHT BODY ARMOR SOLUTIONS.

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

(1) assess the effectiveness of the processes used by the Secretary to identify and examine the requirements for lighter weight body armor systems; and

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

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

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

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

(3) The need for research, development, and acquisition funding dedicated specifically for reducing the weight of body armor.

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

(5) Industry concerns, capabilities, and willingness to invest in the development and production of lightweight body armor initiatives.

(6) Barriers preventing the development of lighter weight body armor (including such barriers with respect to technical, institutional, or financial problems).

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

(8) Other areas of concern not previously addressed by equipping boards, body armor producers, or program managers.

(c) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

SEC. 126. INTEGRATION OF SOLID STATE LASER SYSTEMS INTO CERTAIN AIRCRAFT.

(a) ANALYSIS OF FEASIBILITY REQUIRED.—The Secretary of Defense shall conduct an analysis of the feasibility of integrating solid state laser systems into the aircraft platforms specified in subsection (b) for purposes of permitting such aircraft to accomplish their missions, including to provide close air support.

(b) AIRCRAFT.—The aircraft platforms specified in this subsection shall include, at a minimum, the following:

(1) The C–130 aircraft.

(2) The B–1 bomber aircraft.

(3) The F–35 fighter aircraft.

(c) SCOPE OF ANALYSIS.—The analysis required by subsection (a) shall include a determination of the following:

(1) The estimated cost per unit of each laser system analyzed.

(2) The estimated cost of operation and maintenance of each aircraft platform specified in subsection (b) in connection with each laser system analyzed, noting that the fidelity of such analysis may not be uniform for all aircraft platforms.

SEC. 127. CONTRACTS FOR COMMERCIAL IMAGING SATELLITE CAPACITIES.

(a) TELESCOPE REQUIREMENTS UNDER CONTRACTS AFTER 2010.—Except as provided in subsection (b), any contract for additional commercial imaging satellite capability or capacity entered into by the Department of Defense after December 31, 2010, shall require that the imaging telescope providing such capability or capacity under such contract has an aperture of not less than 1.5 meters.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary submits to the congressional defense committees written certification that the waiver is in the national security interests of the United States; and

(2) a period of 30 days has elapsed following the date on which the certification under paragraph (1) is submitted.

(c) CONTINUATION OF CURRENT CONTRACTS.—The limitation in subsection (a) may not be construed to prohibit or prevent the Secretary of Defense from continuing or maintaining current commercial imaging satellite capability or capacity in orbit or under contract by December 31, 2010.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Enhancement of Department of Defense support of science, mathematics, and engineering education.

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

Sec. 213. Separate program elements required for research and development of Joint Light Tactical Vehicle.

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

Sec. 215. Demonstration and pilot projects on cybersecurity.

Subtitle C—Missile Defense Programs

Sec. 221. Sense of Congress on ballistic missile defense.

Sec. 222. Repeal of prohibition of certain contracts by Missile Defense Agency with foreign entities.

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Sec. 224. Medium Extended Air Defense System.

Sec. 225. Acquisition accountability reports on the ballistic missile defense system.

Sec. 226. Authority to support ballistic missile shared early warning with the Czech Republic.

Sec. 227. Report on phased, adaptive approach to missile defense in Europe.

Sec. 228. Independent review and assessment of the Ground-Based Midcourse Defense system.

Sec. 229. Iron Dome short-range rocket defense program.

Subtitle D—Reports

Sec. 231. Report on analysis of alternatives and program requirements for the Ground Combat Vehicle program.

Sec. 232. Cost benefit analysis of future tank-fired munitions.

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

Subtitle E—Other Matters

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

Sec. 242. Pilot program on collaborative energy security.

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

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,093,704,000.

(2) For the Navy, $17,881,008,000.

(3) For the Air Force, $27,319,627,000.

(4) For Defense-wide activities, $21,292,576,000, of which $194,910,000 is authorized for the Director of Operational Test and Evaluation.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. ENHANCEMENT OF DEPARTMENT OF DEFENSE SUPPORT OF SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION.

(a) DISCHARGE OF SUPPORT THROUGH MILITARY DEPARTMENTS.—Section 2192(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary of Defense may carry out the authority in paragraph (1) through the Secretaries of the military departments.''.

(b) PARTNERSHIP INTERMEDIARIES FOR PURPOSES OF EDUCATION PARTNERSHIPS.—Section 2194 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) The Secretary of Defense may permit the director of a defense laboratory to enter into a cooperative agreement with an appropriate entity to act as an intermediary and assist the director in carrying out activities under this section.''.

SEC. 212. LIMITATION ON USE OF FUNDS BY DEFENSE ADVANCED RESEARCH PROJECTS AGENCY FOR OPERATION OF NATIONAL CYBER RANGE.

(a) PROHIBITION ON USE OF FUNDS PENDING REPORT.—Amounts authorized to be appropriated by this Act and available to the Defense Advanced Research Projects Agency may not be obligated or expended for the National Cyber Range established in support of the Comprehensive National Cybersecurity Initiative until the date that is 90 days after the date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the Committees on Armed Services of the Senate and the House of Representatives a report described in subsection (c).

(b) LIMITATION ON USE OF FUNDS AFTER REPORT.—Commencing on the date that is 90 days after the date on which the Under Secretary submits a report described in subsection (c), amounts described in subsection (a) shall be available for obligation or expenditure only for the purposes of research and development activities that the Under Secretary considers appropriate for ensuring and assessing the functionality of the National Cyber Range.

(c) REPORT.—

(1) IN GENERAL.—The report described in this subsection is a report setting forth a plan for the transition of the National Cyber Range to operation and sustainment.

(2) ELEMENTS.—The report shall include, at a minimum, the following:

(A) An analysis of various potential recipients under the transition of the National Cyber Range.

(B) For each recipient analyzed under subparagraph (A), a description of the proposed transition of the National Cyber Range to such recipient, including the proposed schedule and funding for such transition.

(3) POTENTIAL RECIPIENTS.—The recipients analyzed in the report under paragraph (2)(A) shall include, at a minimum, the following:

(A) A consortium for the operation and sustainment of the National Cyber Range as a government-owned, government-operated facility.

(B) A consortium for the operation and sustainment of the National Cyber Range as a government-owned, contractor-operated facility.

SEC. 213. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF JOINT LIGHT TACTICAL VEHICLE.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2012, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of the Army and the Navy a separate, dedicated program element is assigned to the Joint Light Tactical Vehicle.

SEC. 214. PROGRAM FOR RESEARCH, DEVELOPMENT, AND DEPLOYMENT OF ADVANCED GROUND VEHICLES, GROUND VEHICLE SYSTEMS, AND COMPONENTS.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program for research and development on, and deployment of, advanced technology ground vehicles, ground vehicle systems, and components within the Department of Defense.

(b) GOALS AND OBJECTIVES.—The goals and objectives of the program authorized by subsection (a) are as follows:

(1) To identify and support technological advances that are necessary for the development of advanced technologies for use in ground vehicles of types to be used by the Department of Defense.

(2) To procure and deploy significant quantities of advanced technology ground vehicles for use by the Department.

(3) To maximize the leverage of Federal and nongovernment funds used for the development and deployment of advanced technology ground vehicles, ground vehicle systems, and components.

(c) ELEMENTS OF PROGRAM.—The program authorized by subsection (a) may include—

(1) enhanced research and development activities for advanced technology ground vehicles, ground vehicle systems, and components, including—

(A) increased investments in research and development of batteries, advanced materials, power electronics, fuel cells and fuel cell systems, hybrid systems, and advanced engines;

(B) pilot projects for the demonstration of advanced technologies in ground vehicles for use by the Department of Defense; and

(C) the establishment of public-private partnerships, including research centers, manufacturing and prototyping facilities, and test beds, to speed the development, deployment, and transition to use of advanced technology ground vehicles, ground vehicle systems, and components; and

(2) enhanced activities to procure and deploy advanced technology ground vehicles in the Department, including—

(A) preferences for the purchase of advanced technology ground vehicles;

(B) the use of authorities available to the Secretary of Defense to stimulate the development and production of advanced technology systems and ground vehicles through purchases, loan guarantees, and other mechanisms;

(C) pilot programs to demonstrate advanced technology ground vehicles and associated infrastructure at select defense installations;

(D) metrics to evaluate environmental and other benefits, life cycle costs, and greenhouse gas emissions associated with the deployment of advanced technology ground vehicles; and

(E) schedules and objectives for the conversion of the ground vehicle fleet of the Department to advanced technology ground vehicles.

(d) COOPERATION WITH INDUSTRY AND ACADEMIA.—

(1) IN GENERAL.—The Secretary may carry out the program authorized by subsection (a) through partnerships and other cooperative agreements with private sector entities, including—

(A) universities and other academic institutions;

(B) companies in the automobile and truck manufacturing industry;

(C) companies that supply systems and components to the automobile and truck manufacturing industry; and

(D) any other companies or private sector entities that the Secretary considers appropriate.

(2) NATURE OF COOPERATION.—The Secretary shall ensure that any partnership or cooperative agreement under paragraph (1) provides for private sector participants to collectively contribute, in cash or in kind, not less than one-half of the total cost of the activities carried out under such partnership or cooperative agreement.

(e) COORDINATION WITH OTHER FEDERAL AGENCIES.—The program authorized by subsection (a) shall be carried out, to the maximum extent practicable, in coordination with the Department of Energy and other appropriate departments and agencies of the Federal Government.

SEC. 215. DEMONSTRATION AND PILOT PROJECTS ON CYBERSECURITY.

(a) DEMONSTRATION PROJECTS ON PROCESSES FOR APPLICATION OF COMMERCIAL TECHNOLOGIES TO CYBERSECURITY REQUIREMENTS.—

(1) PROJECTS REQUIRED.—The Secretary of Defense and the Secretaries of the military departments shall jointly carry out demonstration projects to assess the feasibility and advisability of using various business models and processes to rapidly and effectively identify innovative commercial technologies and apply such technologies to Department of Defense and other cybersecurity requirements.

(2) SCOPE OF PROJECTS.—Any demonstration project under paragraph (1) shall be carried out in such a manner as to contribute to the cyber policy review of the President and the Comprehensive National Cybersecurity Initiative.

(b) PILOT PROGRAMS ON CYBERSECURITY REQUIRED.—The Secretary of Defense shall support or conduct pilot programs on cybersecurity with respect to the following areas:

(1) Threat sensing and warning for information networks worldwide.

(2) Managed security services for cybersecurity within the defense industrial base, military departments, and combatant commands.

(3) Use of private processes and infrastructure to address threats, problems, vulnerabilities, or opportunities in cybersecurity.

(4) Processes for securing the global supply chain.

(5) Processes for threat sensing and security of cloud computing infrastructure.

(c) REPORTS.—

(1) REPORTS REQUIRED.—Not later than 240 days after the date of the enactment of this Act, and annually thereafter at or about the time of the submittal to Congress of the budget of the President for a fiscal year (as submitted pursuant to section 1105(a) of title

31, United States Code), the Secretary of Defense shall, in coordination with the Secretary of Homeland Security, submit to Congress a report on any demonstration projects carried out under subsection (a), and on the pilot projects carried out under subsection (b), during the preceding year.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description and assessment of any activities under the demonstration projects and pilot projects referred to in paragraph (1) during the preceding year.

(B) For the pilot projects supported or conducted under subsection (b)(2)—

(i) a quantitative and qualitative assessment of the extent to which managed security services covered by the pilot project could provide effective and affordable cybersecurity capabilities for components of the Department of Defense and for entities in the defense industrial base, and an assessment whether such services could be expanded rapidly to a large scale without exceeding the ability of the Federal Government to manage such expansion; and

(ii) an assessment of whether managed security services are compatible with the cybersecurity strategy of the Department of Defense with respect to conducting an active, in-depth defense under the direction of United States Cyber Command.

(C) For the pilot projects supported or conducted under subsection (b)(3)—

(i) a description of any performance metrics established for purposes of the pilot project, and a description of any processes developed for purposes of accountability and governance under any partnership under the pilot project; and

(ii) an assessment of the role a partnership such as a partnership under the pilot project would play in the acquisition of cyberspace capabilities by the Department of Defense, including a role with respect to the development and approval of requirements, approval and oversight of acquiring capabilities, test and evaluation of new capabilities, and budgeting for new capabilities.

(D) For the pilot projects supported or conducted under subsection (b)(4)—

(i) a framework and taxonomy for evaluating practices that secure the global supply chain, as well as practices for securely operating in an uncertain or compromised supply chain;

(ii) an assessment of the viability of applying commercial practices for securing the global supply chain; and

(iii) an assessment of the viability of applying commercial practices for securely operating in an uncertain or compromised supply chain.

(E) For the pilot projects supported or conducted under subsection (b)(5)—

(i) an assessment of the capabilities of Federal Government providers to offer secure cloud computing environments; and

(ii) an assessment of the capabilities of commercial providers to offer secure cloud computing environments to the Federal Government.

(3) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Missile Defense Programs

SEC. 221. SENSE OF CONGRESS ON BALLISTIC MISSILE DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the phased, adaptive approach to missile defense in Europe is an appropriate response to the existing ballistic missile threat from Iran to the European territory of North Atlantic Treaty Organization countries, and to potential future ballistic missile capabilities of Iran;

(2) that the phased, adaptive approach to missile defense in Europe is not intended to, and will not, provide a missile defense capability relative to the ballistic missile deterrent forces of the Russian Federation, or diminish strategic stability with the Russian Federation;

(3) to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats;

(4) that the ground-based midcourse defense system deployed in Alaska and California currently provides adequate defensive capability for the United States against currently anticipated future long-range ballistic missile threats from Iran, and this capability will be enhanced as the system is improved, including by the planned deployment of an AN/TPY–2 radar in southern Europe in 2011;

(5) that the ground-based midcourse defense system should be maintained, enhanced, and adequately tested to ensure its operational capability through its service life;

(6) that the United States should, as stated in its unilateral statement accompanying the New START Treaty, ''continue improving and deploying its missile defense systems in order to defend itself against limited attack and as part of our collaborative approach to strengthening stability in key regions'';

(7) that, as part of this effort, the Department of Defense should pursue the development, testing, and deployment of operationally effective versions of all variants of the standard missile–3 for all four phases of the phased, adaptive approach to missile defense in Europe;

(8) that the standard missile–3 block IIB interceptor missile planned for deployment in phase 4 of the phased, adaptive approach should be capable of addressing the potential future threat of intermediate-range and long-range ballistic missiles from Iran, including intercontinental ballistic missiles that could be capable of reaching the United States;

(9) that there are no constraints contained in the New START Treaty on the development or deployment by the United States of effective missile defenses, including all phases of the phased, adaptive approach to missile defense in Europe and further enhancements to the ground-based midcourse defense system, as well as future missile defenses; and

(10) that the Department of Defense should continue the development, testing, and assessment of the two-stage ground-based interceptor in such a manner as to provide a hedge against potential technical challenges with the development of the standard missile–3 block IIB interceptor missile as a means of augmenting the defense of Europe and of the homeland against a limited ballistic missile attack from nations such as North Korea or Iran.

(b) NEW START TREATY DEFINED.—In this section, the term ''New START Treaty'' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010.

SEC. 222. REPEAL OF PROHIBITION OF CERTAIN CONTRACTS BY MISSILE DEFENSE AGENCY WITH FOREIGN ENTITIES.

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

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR MISSILE DEFENSE INTERCEPTORS IN EUROPE.

(a) LIMITATION ON CONSTRUCTION AND DEPLOYMENT OF INTERCEPTORS.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for site activation, construction, or deployment of missile defense interceptors on European land as part of the phased, adaptive approach to missile defense in Europe until—

(1) any nation agreeing to host such system has signed and ratified a missile defense basing agreement and a status of forces agreement authorizing the deployment of such interceptors; and

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

(b) LIMITATION ON PROCUREMENT OR DEPLOYMENT OF INTERCEPTORS.—No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2011 or any fiscal year thereafter may be obligated or expended for the procurement (other than initial long-lead procurement) or deployment of operational missiles on European land as part of the phased, adaptive approach to missile defense in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.

(c) WAIVER.—The Secretary of Defense may waive the limitations in subsections (a) and (b) if—

(1) the Secretary submits to the congressional defense committees written certification that the waiver is in the urgent national security interests of the United States; and

(2) a period of seven days has elapsed following the date on which the certification under paragraph (1) is submitted.

(d) CONSTRUCTION.—Nothing in this section shall be construed so as to limit the obligation and expenditure of funds for any missile defense activities not otherwise limited by subsection (a) or (b), including, with respect to the planned deployments of missile defense interceptors on European land as part of the phased, adaptive approach to missile defense in Europe—

(1) research, development, test and evaluation;

(2) site surveys;

(3) studies and analyses; and

(4) site planning and design and construction design.

(e) CONFORMING REPEAL.—Section 234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2234) is repealed.

SEC. 224. MEDIUM EXTENDED AIR DEFENSE SYSTEM.

(a) LIMITATION ON AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated in this title for fiscal year 2011 for research, development, test, and evaluation, Army, of the amount that corresponds with budget activity five, line 117, in the budget

transmitted to Congress by the President for fiscal year 2011, not more than 25 percent may be obligated or expended until the date on which—

(1) the Secretary of Defense completes the critical design review and the system program review for the medium extended air defense system program and decides to proceed with the program; and

(2) the Secretary submits in writing to the congressional defense committees a report containing the decision referred to in paragraph (1) to proceed with the medium extended air defense system.

(b) FURTHER LIMITATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated in this title for fiscal year 2011 for research, development, test, and evaluation, Army, of the amount that corresponds with budget activity five, line 117, in the budget transmitted to Congress by the President for fiscal year 2011, not more than 50 percent may be obligated or expended until a period of 30 days have elapsed following the date on which the Secretary submits to the congressional defense committees a report containing the elements specified in paragraph (2).

(2) ELEMENTS OF REPORT.—The elements specified in this paragraph for the report described in paragraph (1) are the following:

(A) A detailed description of the decision described in subsection (a)(1) and the explanation for that decision.

(B) A cost estimate performed by the Director of Cost Assessment and Program Evaluation of the medium extended air defense system program, including an analysis of the cost growth in the program and an explanation of what effect such cost growth would have if the program were subject to the provisions of section 2433 of title 10, United States Code (commonly referred to as the ''Nunn-McCurdy Act'').

(C) An analysis of alternatives to the medium extended air defense system program and its component elements.

(D) A description of the planned schedule and cost for the development, production, and deployment of the medium extended air defense system, including the cost and schedule for any variations to the baseline program to be fielded by the Armed Forces.

(E) A description of the role of Germany and Italy in the medium extended air defense system program, including the role of such countries in procurement or production of elements of such program.

(F) Any other matters that the Secretary of Defense considers appropriate.

(c) FORM OF REPORTS.—The reports submitted under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 225. ACQUISITION ACCOUNTABILITY REPORTS ON THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) BASELINES REQUIRED.—The Secretary of Defense shall ensure that the Missile Defense Agency establishes and maintains an acquisition baseline for each program element of the ballistic missile defense system, as specified in section 223 of title 10, United States Code.

(b) ELEMENTS OF BASELINES.—Each acquisition baseline required by subsection (a) for a program element shall include the following:

(1) A comprehensive schedule for the program element, including—

(A) research and development milestones;

(B) acquisition milestones, including design reviews and key decision points;

(C) key test events, including ground and flight tests and ballistic missile defense system tests; and

(D) delivery and fielding schedules.

(2) A detailed technical description of—

(A) the capability to be developed, including hardware and software;

(B) system requirements;

(C) how the proposed capability satisfies a capability identified by the commanders of the combatant commands on a prioritized capabilities list;

(D) key knowledge points that must be achieved to permit continuation of the program and to inform production and deployment decisions; and

(E) how the Missile Defense Agency plans to improve the capability over time.

(3) A cost estimate for the program element, including—

(A) a life cycle cost estimate;

(B) program acquisition unit costs for the program element;

(C) average procurement unit costs and program acquisition costs for the program element; and

(D) an identification when the program joint cost analysis requirements description document is scheduled to be approved.

(4) A test baseline summarizing the comprehensive test program for the program element outlined in the integrated master test plan.

(c) ANNUAL REPORTS ON ACQUISITION BASELINES.—

(1) ANNUAL REPORTS REQUIRED.—Not later than February 15, 2011, and annually thereafter, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the acquisition baselines required by subsection (a). The first such report shall set forth the acquisition baselines, and each later report shall identify the significant changes or variances, if any, in any such baseline from any earlier report under this subsection.

(2) FORM.—Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(d) ANNUAL REPORTS ON MISSILE DEFENSE EXECUTIVE BOARD ACTIVITIES.—The Director shall include in each report under subsection (c) a description of the activities of the Missile Defense Executive Board during the preceding fiscal year, including the following:

(1) A list of each meeting of the Board during the preceding fiscal year.

(2) The agenda and issues considered at each such meeting.

(3) A description of any decisions or recommendations made by the Board at each such meeting.

SEC. 226. AUTHORITY TO SUPPORT BALLISTIC MISSILE SHARED EARLY WARNING WITH THE CZECH REPUBLIC.

(a) AUTHORITY TO SUPPORT SHARED EARLY WARNING.—During fiscal years 2011 and 2012, the Secretary of Defense may carry out a program to provide a ballistic missile shared early warning capability for the United States and the Czech Republic.

(b) FISCAL YEAR 2011 FUNDING AUTHORIZATION.—

(1) Of the funds authorized to be appropriated by this Act or any other Act for fiscal year 2011 for Operation and Maintenance, Air Force, $1,700,000 may be available for the purposes described in subsection (a).

(2) Of the funds authorized to be appropriated by this Act or any other Act for fiscal year 2011 for Other Procurement, Air Force, $500,000 may be available for the purposes described in subsection (a).

SEC. 227. REPORT ON PHASED, ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the phased, adaptive approach to missile defense in Europe.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A detailed explanation of—

(A) the analytic basis (including the analytic process and methodology) that led to the recommendation of the Secretary of Defense and the Joint Chiefs of Staff to pursue the phased, adaptive approach to missile defense in Europe, including the ability to defend deployed forces of the United States, allies, and partners in Europe, and the United States homeland, against the existing, emerging, and future threat from Iranian ballistic missiles in a timely and flexible manner; and

(B) the planned defensive coverage of Europe provided by such missile defense.

(2) A detailed explanation of the specific elements planned for each of the four phases of the phased, adaptive approach to missile defense in Europe, including schedules and parameters of planned deployments of missile defense systems at sea and on land, and the knowledge points or milestones that will be required prior to operational deployment of those elements.

(3) A description of the factors and processes that will be used to determine the eventual numbers and locations of interceptors that will be deployed at sea and on land, and the concept of operations that will enable the phased, adaptive approach to missile defense in Europe to be operated in a flexible, adaptable, and survivable manner.

(4) A description of the status of the development or production of the various elements of the phased, adaptive approach to missile defense in Europe, particularly the development of the standard missile-3, block IIA and block IIB interceptors, including the technical readiness levels of those systems under development and the plans for retiring the technical risks of such systems.

(5) A description of the advances in technology that are expected to permit enhanced defensive capability of the phased, adaptive approach to missile defense in Europe, including airborne infrared sensor technology, space sensor technology, and enhanced battle management, command, control, and communications.

(6) A discussion of how the phased, adaptive approach to missile defense in Europe will meet the operational needs of the commander of the United States European Command, and how it relates to plans to use a phased, adaptive approach to missile defense in other geographic regions.

(7) An explanation of—

(A) the views of the North Atlantic Treaty Organization on the phased, adaptive approach to missile defense in Europe; and

(B) how such missile defense fits into the current missile defense strategy of NATO.

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

SEC. 228. INDEPENDENT REVIEW AND ASSESSMENT OF THE GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—The Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the ground-based midcourse defense system.

(b) ELEMENTS.—The review and assessment required by this section shall address the current plans of the Department of Defense with respect to the following:

(1) The force structure and inventory levels necessary for the ground-based midcourse defense system to achieve the planned capabilities of that system, including an analysis of costs and potential advantages of deploying additional operational ground-based interceptor missiles.

(2) The number of ground-based interceptor missiles necessary for operational assets, test assets (including developmental and

operational test assets and aging and surveillance test assets), and spare missiles for the ground-based midcourse defense system.

(3) The plan to maintain the operational effectiveness of the ground-based midcourse defense system over the course of its service life, including any modernization or capability enhancement efforts, and any sustainment efforts.

(4) The plan for funding the development, production, deployment, testing, improvement, and sustainment of the ground-based midcourse defense system.

(5) The plan for flight testing the ground-based midcourse defense system, including aging and surveillance tests to demonstrate the continuing effectiveness of the system over the course of its service life.

(6) The plan for production of ground-based interceptor missiles necessary for operational test assets, aging and surveillance test assets, and spare missiles for the ground-based midcourse defense system.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the entity conducting the review and assessment under this section shall submit to the Secretary and the congressional defense committees a report containing—

(1) the results of the review and assessment; and

(2) any recommendations on how the Department of Defense may improve upon its plans to ensure the availability, reliability, maintainability, supportability, and improvement of the ground-based midcourse defense system.

SEC. 229. IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the funds authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, the Secretary of Defense may provide up to $205,000,000 to the government of Israel for the Iron Dome short-range rocket defense system.

Subtitle D—Reports

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

(a) REPORT REQUIRED.—Not later than January 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report on the Ground Combat Vehicle program of the Army. Such report shall include—

(1) the results of the analysis of alternatives conducted prior to milestone A, including any technical data; and

(2) an explanation of any plans to adjust the requirements of the Ground Combat Vehicle program during the technology development phase of such program.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Of the funds authorized to be appropriated by this or any other Act for fiscal year 2011 for research, development, test, and evaluation, Army, for development of the Ground Combat Vehicle, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the report is submitted under subsection (a).

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

(a) COST BENEFIT ANALYSIS REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a cost benefit analysis of future munitions to be fired from the M1 Abrams series main battle tank to determine the proper investment to be made in tank munitions, including beyond line of sight technology.

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

(A) the predicted operational performance of future tank-fired munitions, including those incorporating beyond line of sight technology, based on the relevant modeling and simulation of future combat scenarios of the Army, including a detailed analysis on the suitability of each munition to address the full spectrum of targets across the entire range of the tank (including close range, mid-range, long-range, and beyond line of sight);

(B) a detailed assessment of the projected costs to develop and field each tank-fired munition included in the analysis, including those incorporating beyond line of sight technology; and

(C) a comparative analysis of each tank-fired munition included in the analysis, including suitability to address known capability gaps and overmatch against known and projected threats.

(3) MUNITIONS INCLUDED.—In conducting the cost benefit analysis under paragraph (1), the Secretary shall include, at a minimum, the Mid-Range Munition, the Advanced Kinetic Energy round, and the Advanced Multi-purpose Program.

(b) BRIEFING.—Not later than April 15, 2011, the Secretary shall provide a detailed briefing to the congressional defense committees on the cost benefit analysis conducted under subsection (a).

SEC. 233. ANNUAL COMPTROLLER GENERAL REPORT ON THE VH–(XX) PRESIDENTIAL HELICOPTER ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—During the period beginning on the date of the enactment of this Act and ending on March 1, 2013, the Comptroller General of the United States shall conduct an annual review of the VH–(XX) aircraft acquisition program.

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than March 1 of each year beginning in 2011 and ending in 2013, the Comptroller General shall submit to the congressional defense committees a report on the review of the VH–(XX) aircraft acquisition program conducted under subsection (a).

(2) MATTERS TO BE INCLUDED.—Each report on the review of the VH–(XX) aircraft acquisition program shall include the following:

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

(B) With respect to meeting the desired initial operational capability and full operational capability dates for the VH–(XX) aircraft, the progress and results of—

(i) developmental and operational testing of the aircraft; and

(ii) plans for correcting deficiencies in aircraft performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of VH–(XX) aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

(D) An assessment of the acquisition strategy of the VH–(XX) aircraft, including whether such strategy is in compliance with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the VH–(XX) aircraft as it relates to—

(i) the probability of success;

(ii) the funding required for such aircraft compared with the funding programmed; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION.—In submitting to the congressional defense committees the first report under paragraph (1) and a report following any changes made by the Secretary of the Navy to the baseline documentation of the VH–(XX) aircraft acquisition program, the Comptroller General shall include, with respect to such program, an assessment of the sufficiency and objectivity of—

(A) the analysis of alternatives;

(B) the initial capabilities document;

(C) the capabilities development document; and

(D) the systems requirement document.

Subtitle E—Other Matters

SEC. 241. SENSE OF CONGRESS AFFIRMING THE IMPORTANCE OF DEPARTMENT OF DEFENSE PARTICIPATION IN DEVELOPMENT OF NEXT GENERATION SEMICONDUCTOR TECHNOLOGIES.

(a) FINDINGS.—Congress finds the following:

(1) The next generation of weapons systems, battlefield sensors, and intelligence platforms will need to be lighter, more agile, consume less power, and have greater computational power, which can be achieved by decreasing the feature size of integrated circuits to the nanometer scale.

(2) There is a growing concern in the Department of Defense and the United States intelligence community over the offshore shift in development and production of high capacity semiconductors. Greater reliance on providers of semiconductors in the United States high technology industry would help mitigate the security risks of such an offshore shift.

(3) The development of new manufacturing technologies is recognized in the semiconductor industry as critical to the development of the next generation of integrated circuits.

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

(1) the United States should pursue research and development capabilities to take the lead in developing and producing the next generation of integrated circuits; and

(2) the Department of Defense should continue to work with industry and academia in pursuing the research and development of advanced manufacturing techniques in support of the development of the next generation of integrated circuits needed for the requirements and specialized applications of the Department of Defense.

SEC. 242. PILOT PROGRAM ON COLLABORATIVE ENERGY SECURITY.

(a) PILOT PROGRAM.—The Secretary of Defense, in coordination with the Secretary of Energy, may carry out a collaborative energy security pilot program involving one or more partnerships between one military installation and one national laboratory, for the purpose of evaluating and validating secure, salable microgrid components and systems for deployment.

(b) SELECTION OF MILITARY INSTALLATION AND NATIONAL LABORATORY.—If the Secretary of Defense carries out a pilot program under this section, the Secretary of Defense and the Secretary of Energy shall jointly select a military installation and a national laboratory for the purpose of carrying out the pilot program. In making such selections, the Secretaries shall consider each of the following:

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

(2) The findings and recommendations of relevant energy security assessments of military installations being considered for selection.

(3) The availability of renewable energy sources at a military installation being considered for selection.

(4) Potential synergies between the expertise and capabilities of a national laboratory

being considered for selection and the infrastructure, interests, or other energy security needs of a military installation being considered for selection.

(5) The effects of any utility tariffs, surcharges, or other considerations on the feasibility of enabling any excess electricity generated on a military installation being considered for selection to be sold or otherwise made available to the local community near the installation.

(c) PROGRAM ELEMENTS.—A pilot program under this section shall be carried out as follows:

(1) Under the pilot program, the Secretaries shall evaluate and validate the performance of new energy technologies that may be incorporated into operating environments.

(2) The pilot program shall involve collaboration with the Office of Electricity Delivery and Energy Reliability of the Department of Energy and other offices and agencies within the Department of Energy, as appropriate, and the Environmental Security Technical Certification Program of the Department of Defense.

(3) Under the pilot program, the Secretary of Defense shall investigate opportunities for any excess electricity created for the military installation to be sold or otherwise made available to the local community near the installation.

(4) The Secretary of Defense shall use the results of the pilot program as the basis for informing key performance parameters and validating energy components and designs that could be implemented in various military installations across the country and at forward operating bases.

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

(d) IMPLEMENTATION AND DURATION.—If the Secretary of Defense carries out a pilot program under this section, such pilot program shall begin by not later than July 1, 2011, and shall be not less than three years in duration.

(e) REPORTS.—

(1) INITIAL REPORT.—If the Secretary of Defense carries out a pilot program under this section, the Secretary shall submit to the appropriate congressional committees by not later than October 1, 2011, an initial report that provides an update on the implementation of the pilot program, including an identification of the selected military installation and national laboratory partner and a description of technologies under evaluation.

(2) FINAL REPORT.—Not later than 90 days after completion of a pilot program under this section, the Secretary shall submit to the appropriate congressional committees a report on the pilot program, including any findings and recommendations of the Secretary.

(f) DEFINITIONS.—For purposes of this section:

(1) The term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) The term ''microgrid'' means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators, energy storage devices, and smart controls) that can operate with the utility grid or in an intentional islanding mode.

(3) The term ''national laboratory'' means—

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

(B) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

SEC. 243. PILOT PROGRAM TO INCLUDE TECHNOLOGY PROTECTION FEATURES DURING RESEARCH AND DEVELOPMENT OF DEFENSE SYSTEMS.

(a) PILOT PROGRAM.—The Secretary of Defense shall carry out a pilot program to develop and incorporate technology protection features in a designated system during the research and development phase of such system.

(b) ANNUAL REPORTS.—Not later than December 31 of each year in which the Secretary carries out the pilot program established under this section, the Secretary shall submit to the congressional defense committees a report on the pilot program, including a list of each designated system included in the program.

(c) TERMINATION.—The pilot program established under this section shall terminate on October 1, 2015.

(d) DEFINITIONS.—In this section:

(1) The term ''designated system'' means any system (including a major system, as defined in section 2302(5) of title 10, United States Code) that the Under Secretary of Defense for Acquisition, Technology, and Logistics designates as being included in the pilot program established under this section.

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

TITLE III—OPERATION AND MAINTENANCE

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Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $33,921,165,000.

(2) For the Navy, $38,232,943,000.

(3) For the Marine Corps, $5,590,340,000.

(4) For the Air Force, $36,822,516,000.

(5) For Defense-wide activities, $30,562,619,000.

(6) For the Army Reserve, $2,879,077,000.

(7) For the Naval Reserve, $1,367,764,000.

(8) For the Marine Corps Reserve, $285,234,000.

(9) For the Air Force Reserve, $3,403,827,000.

(10) For the Army National Guard, $6,621,704,000.

(11) For the Air National Guard, $6,042,239,000.

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

(13) For the Acquisition Development Workforce Fund, $217,561,000.

(14) For Environmental Restoration, Army, $444,581,000.

(15) For Environmental Restoration, Navy, $304,867,000.

(16) For Environmental Restoration, Air Force, $502,653,000.

(17) For Environmental Restoration, Defense-wide, $10,744,000.

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

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

(20) For Cooperative Threat Reduction programs, $522,512,000.

Subtitle B—Energy and Environmental Provisions

SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) AUTHORITY TO REIMBURSE.—

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

(2) PURPOSE OF REIMBURSEMENT.—The amount authorized to be transferred under paragraph (1) is to reimburse the Environmental Protection Agency for costs the Agency incurred relating to the response actions performed at the Twin Cities Army Ammunition Plant, Minnesota.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is intended to satisfy certain terms of the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987 and that provided for the recovery of expenses by the Agency from the Department of the Army.

(b) SOURCE OF FUNDS.—The transfer of funds authorized in subsection (a) shall be made using funds authorized to be appropriated for fiscal year 2011 for operation and maintenance for Environmental Restoration, Army.

SEC. 312. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF STIPULATED PENALTIES IN CONNECTION WITH NAVAL AIR STATION, BRUNSWICK, MAINE.

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

(b) PURPOSE OF TRANSFER.—The purpose of a transfer made under subsection (a) is to satisfy a stipulated penalty assessed by the Environmental Protection Agency on June 12, 2008, against Naval Air Station, Brunswick, Maine, for the failure of the Navy to sample certain monitoring wells in a timely manner pursuant to a schedule included in the Federal facility agreement for Naval Air Station, Brunswick, which was entered into by the Secretary of the Navy and the Administrator of the Environmental Protection Agency on October 19, 1990.

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

SEC. 313. REQUIREMENTS RELATED TO THE INVESTIGATION OF EXPOSURE TO DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

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

(1) The Department of the Navy and the Agency for Toxic Substances and Disease Registry (hereinafter in this section referred to as ''ATSDR'') have been working together for almost two decades to identify the possible effects of exposure to contaminated drinking water at Camp Lejeune, North Carolina.

(2) Multiple studies have been conducted, and are being conducted, which require significant amounts of data and historical documentation, requiring the Department of the Navy and ATSDR to have close collaboration and open access to information.

(3) In June 2010, the Department of the Navy and ATSDR established the Camp Lejeune Data Mining Technical Workgroup to identify and inventory information and data relevant to the ongoing scientific research.

(b) REQUIREMENTS.—

(1) ATSDR ACCESS TO DATA.—By not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall ensure that the inventory created by the Camp Lejeune Data Mining Technical Workgroup is accurate and complete and that ATSDR has full access to all of the documents and data listed therein as needed.

(2) AVAILABILITY OF NEW AND NEWLY DISCOVERED DOCUMENTS.—If after the date of enactment of this Act the Secretary of the Navy generates any new document, record, or electronic data, or comes into possession of any existing document, record, or electronic data not previously provided in the Camp Lejeune Data Mining Technical Workgroup, the Secretary of the Navy shall make such information immediately available to ATSDR with an electronic inventory incorporating the newly located or generated document, record, or electronic data.

(3) LIMITATION ON ADJUDICATION OF CLAIMS.—None of the funds authorized to be appropriated by this Act for fiscal year 2011 may be used to adjudicate any administrative claim filed with the Department of the Navy regarding water contamination at Camp Lejeune, North Carolina, until at least 45 days after the date on which the Secretary of the Navy notifies the Committees on Armed Services of the Senate and House of Representatives of the intention of the Secretary to adjudicate the claim.

SEC. 314. COMPTROLLER GENERAL ASSESSMENT ON MILITARY ENVIRONMENTAL EXPOSURES.

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

(1) There have been various reports of the exposure of current and former members of the Armed Forces, their dependents, and civilian employees to environmental hazards while living and working on military installations.

(2) There is the need to better understand existing Department of Defense policies and procedures for addressing possible environmental exposures at military installations, determining any correlation between such an exposure and a subsequent health condition, and handling claims and potential compensation.

(3) While many of these possible exposures have been studied and evaluated, the extent to which those exposures caused or contributed to the short- and long-term health conditions of current and former members of the Armed Forces, their dependents, and civilian employees remains largely unknown.

(4) As for these possible exposures and the link between the exposure and subsequent health conditions, there may be better ways for the Federal Government to evaluate, address and, as warranted, provide health benefits or possible compensation as a remedy to these potential exposures.

(b) COMPTROLLER GENERAL ASSESSMENT REQUIRED.—The Comptroller General of the United States shall carry out an assessment of possible exposures to environmental hazards on military installations that includes the following:

(1) An identification of the policies and processes by which the Department of Defense and the military departments respond to environmental hazards on military installations and possible exposures and determine if there is a standard framework.

(2) An identification of the existing processes available to current and former members of the Armed Forces, their dependents, and civilian employees to seek compensation and health benefits for exposures to environmental hazards on military installations.

(3) A comparison of the processes identified under paragraph (2) with other potential options or methods for providing health benefits or compensation to individuals for injuries that may have resulted from environmental hazards on military installations.

(4) An examination of what is known about the advantages and disadvantages of other potential options or methods as well as any shortfalls in the current processes.

(5) Recommendations for any administrative or legislative action that the Comptroller General deems appropriate in the context of the assessment.

(c) REPORT.—Not later than January 1, 2012, the Comptroller General shall submit to the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and the House of Representatives a report on the findings and recommendations, as appropriate, of the Comptroller General with respect to the assessment conducted under subsection (b).

(d) COORDINATION.—In carrying out subsection (b), the Comptroller General shall receive comments from the Secretary of Defense and others, as appropriate.

(e) CONSTRUCTION.—Nothing in this section shall be interpreted to impede, encroach, or delay—

(1) any studies, reviews, or assessments of any actual or potential environmental exposures at any military installation, including the studies included in the Agency for Toxic Substances and Disease Registry's Annual Plan of Work regarding the water contamination at Camp Lejeune, North Carolina;

(2) the Agency for Toxic Substances and Disease Registry's statutory obligations, including its obligations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) regarding Superfund sites; or

(3) the remediation of any environmental contamination or hazard at any military installation.

(f) MILITARY INSTALLATION DEFINED.—In this section, the term ''military installation'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

Subtitle C—Workplace and Depot Issues

SEC. 321. TECHNICAL AMENDMENTS TO REQUIREMENT FOR SERVICE CONTRACT INVENTORY.

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

(1) by redesignating paragraph (2) as paragraph (3);

(2) in paragraph (1), in the matter preceding subparagraph (A)—

(A) by striking the second sentence;

(B) by inserting after the first sentence the following new sentence: ''The guidance for

compiling the inventory shall be issued by the Under Secretary of Defense for Personnel and Readiness, the Under Secretary of Defense (Comptroller), and the Under Secretary of Defense for Acquisition, Technology, and Logistics, as follows:''; and

(C) by inserting after the sentence added by subparagraph (B) the following:

''(A) The Under Secretary of Defense for Personnel and Readiness, as supported by the Under Secretary of Defense (Comptroller), shall be responsible for developing guidance for—

''(i) the collection of data regarding functions and missions performed by contractors in a manner that is comparable to the manpower data elements used in inventories of functions performed by Department of Defense employees; and

''(ii) the calculation of contractor manpower equivalents in a manner that is comparable to the calculation of full-time equivalents for use in inventories of functions performed by Department of Defense employees.

''(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for developing guidance on other data elements and implementing procedures.'';

(3) by inserting after subparagraph (B) of paragraph (1), as added by paragraph (2), the following:

''(2) The entry for an activity on an inventory under this subsection shall include, for the fiscal year covered by such entry, the following:''; and

(4) in paragraph (2), as redesignated by paragraph (3), by striking subparagraph (E) and inserting the following new subparagraph (E):

''(E) The number of contractor employees, expressed as full-time equivalents for direct labor, using direct labor hours and associated cost data collected from contractors (except that estimates may be used where such data is not available and cannot reasonably be made available in a timely manner for the purpose of the inventory).''.

SEC. 322. REPEAL OF CONDITIONS ON EXPANSION OF FUNCTIONS PERFORMED UNDER PRIME VENDOR CONTRACTS FOR DEPOT-LEVEL MAINTENANCE AND REPAIR.

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

SEC. 323. PROHIBITION ON ESTABLISHING GOALS OR QUOTAS FOR CONVERSION OF FUNCTIONS TO PERFORMANCE BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) PROHIBITION.—The Secretary of Defense may not establish, apply, or enforce any numerical goal, target, or quota for the conversion of Department of Defense functions to performance by Department of Defense civilian employees, unless such goal, target, or quota is based on considered research and analysis, as required by section 235, 2330a, or 2463 of title 10, United States Code.

(b) DECISIONS TO INSOURCE.—In deciding which functions should be converted to performance by Department of Defense civilian employees pursuant to section 2463 of title 10, United States Code, the Secretary of Defense shall use the costing methodology outlined in the Directive-Type Memorandum 09–007 (Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support) or any successor guidance for the determination of costs when costs are the sole basis for the decision. The Secretary of a military department may issue supplemental guidance to assist in such decisions affecting functions of that military department.

(c) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than March 31, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the decisions with respect to the conversion of functions to performance by Department of Defense civilian employees made during fiscal year 2010. Such report shall identify, for each such decision—

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

(B) the basis and rationale for the decision; and

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

(2) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the submittal of the report under paragraph (1), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the report.

(d) CONSTRUCTION.—Nothing in this section shall be construed—

(1) to preclude the Secretary of Defense from establishing, applying, and enforcing goals for the conversion of acquisition functions and other critical functions to performance by Department of Defense civilian employees, where such goals are based on considered research and analysis; or

(2) to require the Secretary of Defense to conduct a cost comparison before making a decision to convert any acquisition function or other critical function to performance by Department of Defense civilian employees, where factors other than cost serve as a basis for the Secretary's decision.

Subtitle D—Reports

SEC. 331. ADDITIONAL REPORTING REQUIREMENTS RELATING TO CORROSION PREVENTION PROJECTS AND ACTIVITIES.

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking ''The'' and inserting ''For the fiscal year covered by the report and the preceding fiscal year, the''; and

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

''(E) For the fiscal year covered by the report and the preceding fiscal year, the amount of funds requested in the budget for each project or activity described in subsection (d) compared to the funding requirements for the project or activity.'';

(2) in paragraph (2)(B), by inserting before the period at the end the following: '', including the annex to the report described in paragraph (3)''; and

(3) by adding at the end the following new paragraph:

''(3) Each report under this section shall include, in an annex to the report, a copy of the annual corrosion report most recently submitted by the corrosion control and prevention executive of each military department under section 903(b)(5) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4567; 10 U.S.C. 2228 note).''.

SEC. 332. MODIFICATION AND REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) PRIORITIZATION OF FUNDS.—Subsection (a) of section 323 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (10 U.S.C. 229 note) is amended—

(1) in paragraph (1), by striking ''the global war on terrorism'' and inserting ''overseas contingency operations''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''units transforming to modularity'' and inserting ''modular units''; and

(B) in subparagraph (B), by striking ''2012'' and inserting ''2015''.

(b) BUDGET INFORMATION.—Subsection (b) of such section is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''the global war on terrorism'' and inserting ''overseas contingency operations''; and

(ii) by inserting ''and'' at the end;

(B) in subparagraph (B)—

(i) in clause (i), by striking ''units transforming to modularity'' and inserting ''modular units''; and

(ii) by striking ''; and'' at the end and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraph (3).

(c) ANNUAL REPORT ON ARMY PROGRESS.—Subsection (c) of such section is amended—

(1) by striking paragraphs (1), (2), (3), (4), (5), (6), and (7);

(2) by redesignating paragraphs (8) and (9) as subparagraphs (D) and (F), respectively;

(3) by submitting ''(1)'' before ''On the date'';

(4) in paragraph (1), as designated by paragraph (3) of this subsection, by striking ''in meeting'' and all that follows through ''shall be itemized'' and inserting ''in fulfilling the key enabler equipment requirements of modular units and in repairing, recapitalizing, and replacing equipment and materiel used in support of overseas contingency operations underway as of the date of such report, and associated sustainment. Any information included in the report shall be itemized'';

(5) by striking ''Each such report'' and all that follows through the colon and inserting the following:

''(2) Each such report shall include the following:

''(A) An assessment of the key enabler equipment and personnel of the Army, including—

''(i) a comparison of—

''(I) the authorized level of key enabler equipment;

''(II) the level of key enabler equipment on hand; and

''(III) the planned purchases of key enabler equipment as set forth in the future-years defense program submitted with the budget for such fiscal year;

''(ii) a comparison of the authorized and actual personnel levels for personnel with key enabler personnel specialities with the requirements for key enabler personnel specialties;

''(iii) an identification of any shortfalls indicated by the comparisons in clauses (i) and (ii); and

''(iv) an assessment of the number and type of key enabler equipment that the Army projects it will have on hand by the end of such future-years defense program that will require repair, recapitalization, or replacement at or before the end of the time period covered by such future-years defense program (which assessment shall account for additional repair, recapitalization, or replacement resulting from use of key enabler equipment in overseas contingency operations).

''(B) If an assessment under subparagraph (A) identifies shortfalls that will exist within the period covered by the future-years defense program submitted in such fiscal year, an identification of the risks associated with such shortfalls and mitigation strategies to address such risks.

''(C) A schedule for the accomplishment of the purposes set forth in paragraph (1).'';

(6) in paragraph (2), as amended by paragraphs (2) and (5) of this subsection, by inserting after subparagraph (D) the following new subparagraph:

''(E) A description of the status of the development of doctrine on how modular combat, functional, and support forces will train, be sustained, and fight.''; and

(7) in subparagraph (F) of paragraph (2) as redesignated by paragraphs (2) and (5) of this subsection, by striking ''paragraphs (1) through (8)'' and inserting ''subparagraphs (A) through (E)''.

(d) ANNUAL COMPTROLLER GENERAL ON ARMY PROGRESS.—Subsection (d) of such section is amended to read as follows:

''(d) ANNUAL COMPTROLLER GENERAL REPORT ON ARMY PROGRESS.—Not later than 180 days after the date on which the Secretary of the Army submits a report under subsection (c), the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the Comptroller General's review of such report. Each report under this subsection shall include such information and recommendations as the Comptroller General considers appropriate in light of such review.''.

(e) DEFINITIONS.—Such section is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d), as amended by subsection (d) of this section, the following new subsection (e):

''(e) DEFINITIONS.—In this section:

''(1) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

''(2) The term 'key enabler', in the case of equipment or personnel, means equipment or personnel, as the case may be, that make a modular force or unit as capable or more capable than the non-modular force or unit it replaced, including the following:

''(A) Equipment such as tactical and high frequency radio, tactical wheeled vehicles, battle command systems, unmanned aerial vehicles, all-source analysis systems, analysis and control elements, fire support sensor systems, firefinder radar, joint network nodes, long-range advanced scout surveillance systems, Trojan Spirit systems (or any successor system), and any other equipment items identified by the Army as making a modular force or unit as capable or more capable than the non-modular force or unit it replaced.

''(B) Personnel in specialties needed to operate or support the equipment specified in subparagraph (A) and personnel in specialties relating to civil affairs, communication and information systems operation, explosive ordinance disposal, military intelligence, psychological operations, and any other personnel specialties identified by the Army as making a modular force or unit as capable or more capable than the non-modular force or unit it replaced.''.

(f) TERMINATION OF REPORT REQUIREMENT.—Subsection (f) of such section, as redesignated by subsection (e)(1) of this section, is further amended by striking ''fiscal year 2012'' and inserting ''fiscal year 2015''.

(g) REPEAL OF REPORT ON DISPOSITION OF RESERVE EQUIPMENT.—Title III of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended by striking section 349.

(h) REPEAL OF REPORT ON READINESS OF GROUND FORCES.—Title III of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended by striking section 355.

SEC. 333. REPORT ON AIR SOVEREIGNTY ALERT MISSION.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Commander of the United States Northern Command and the North American Aerospace Defense Command shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Air Sovereignty Alert (hereinafter in this section referred to as ''ASA'') mission and Operation Noble Eagle.

(b) CONSULTATION.—The Commander shall consult with the Director of the National Guard Bureau who shall review and provide independent analysis and comments on the report required under subsection (a).

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

(1) An evaluation of the ASA mission and of Operation Noble Eagle.

(2) An evaluation of each of the following:

(A) The current ability to perform the ASA mission with respect to training, equipment, and basing.

(B) Any current deficiencies in the ASA mission.

(C) Any changes in threats that would require any change in training, equipment, and basing to effectively support the ASA mission.

(D) An evaluation of whether the ASA mission is fully resourced with respect to funding, personnel, and aircraft.

(E) A description of the coverage of ASA and Operation Noble Eagle units with respect to—

(i) population centers covered; and

(ii) targets of value covered, including symbolic (including national monuments, sports venues, and centers of commerce), critical infrastructure (including power plants, ports, dams, bridges, and telecommunication nodes), and national security (including military bases and organs of government) targets.

(F) An unclassified, notional area of responsibility conforming to the unclassified response time of the unit represented graphically on a map and detailing the total population and number of targets of value covered, as described in subparagraph (E).

(3) The status of the implementation of the recommendations made in the Government Accountability Office report entitled ''Actions Needed to Improve Management of Air Sovereignty Alert Operations to Protect U.S. Airspace'' (GAO–09–184).

(d) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 334. REPORT ON THE SEAD/DEAD MISSION REQUIREMENT FOR THE AIR FORCE.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report describing the feasibility and desirability of designating the Suppression of Enemy Air Defenses/Destruction of Enemy Air Defenses (hereinafter in this section referred to as ''SEAD/DEAD'') mission as a responsibility of the Air National Guard.

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

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

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

(A) The current ability of the Air National Guard to perform the mission with regards to training, equipment, funding, and basing.

(B) Any current deficiencies of the Air National Guard to perform the mission, including range infrastructure or other improvements needed to support peacetime training and readiness.

(C) The corrective actions and costs required to address any deficiencies described in subparagraph (B).

(c) CONSULTATION.—The Secretary of the Air Force shall consult with the Director of the National Guard Bureau who shall review and provide independent analysis and comments on the report required under subsection (a).

SEC. 335. REQUIREMENT TO UPDATE STUDY ON STRATEGIC SEAPORTS.

The Commander of the United States Transportation Command shall update the study entitled ''PORT LOOK 2008 Strategic Seaports Study''. In updating the study under this section, the Commander shall consider the infrastructure in the vicinity of a strategic port, including bridges, roads, and rail, and any issues relating to the capacity and condition of such infrastructure.

Subtitle E—Limitations and Extensions of Authority

SEC. 341. PERMANENT AUTHORITY TO ACCEPT AND USE LANDING FEES CHARGED FOR USE OF DOMESTIC MILITARY AIRFIELDS BY CIVIL AIRCRAFT.

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

''§ 2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft

''(a) AUTHORITY.—The Secretary of a military department may impose landing fees for the use by civil aircraft of domestic military airfields under the jurisdiction of that Secretary and may use any fees received under this section as a source of funding for the operation and maintenance of airfields of that department.

''(b) UNIFORM LANDING FEES.—The Secretary of Defense shall prescribe the amount of the landing fees that may be imposed under this section. Such fees shall be uniform among the military departments.

''(c) USE OF PROCEEDS.—Amounts received for a fiscal year in payment of landing fees imposed under this section for the use of a military airfield shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of that military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.

''(d) LIMITATION.—The Secretary of a military department shall determine whether consideration for a landing fee has been received in a lease, license, or other real estate agreement for an airfield and shall use such a determination to offset appropriate amounts imposed under subsection (a) for that airfield.''.

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

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

SEC. 342. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 10 U.S.C. 4551 note), as amended by section 341 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 69) and section 354 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2264), is further amended—

(1) in subsection (a), by striking ''2011'' and inserting ''2012''; and

(2) in subsection (g)(1), by striking ''2011'' and inserting ''2012''.

SEC. 343. LIMITATION ON OBLIGATION OF FUNDS FOR THE ARMY HUMAN TERRAIN SYSTEM.

(a) LIMITATION.—Of the amounts authorized to be appropriated for the Human Terrain System (hereinafter in this section referred to as the ''HTS'') that are described in subsection (b), not more than 85 percent of the amounts remaining unobligated as of the date of enactment of this Act may be obligated until the Secretary of the Army submits to the congressional defense committees each of the following:

(1) A validation of all HTS requirements, including any prior joint urgent operational needs statements.

(2) A certification that policies, procedures, and guidance are in place to protect the integrity of social science researchers participating in HTS, including ethical guidelines and human studies research procedures.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2011, including such amounts authorized to be appropriated for oversees contingency operations, for—

(1) operation and maintenance for HTS;

(2) procurement for Mapping the Human Terrain hardware and software; and

(3) research, development, test, and evaluation for Mapping the Human Terrain hardware and software.

SEC. 344. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

Of the amounts authorized to be appropriated in this title for fiscal year 2011 for the Office of the Secretary of Defense, of the amount that corresponds with budget activity four, line 270, in the budget transmitted to Congress by the President for fiscal year 2011, not more than 90 percent may be obligated 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.

SEC. 345. REQUIREMENTS FOR TRANSFERRING AIRCRAFT WITHIN THE AIR FORCE INVENTORY.

(a) REQUIREMENTS.—In proposing the transfer of ownership of any aircraft from ownership by a reserve component of the Air Force to ownership by a regular component of the Air Force, including such a transfer to be made on a temporary basis, the Secretary of the Air Force shall ensure that a written agreement regarding such transfer of ownership has been entered into between the Director of the Air National Guard, the Commander of the Air Force Reserve Command, and the Chief of Staff of the Air Force. Any such agreement shall specify each of the following:

(1) The number of and type of aircraft to be transferred.

(2) In the case of any aircraft transferred on a temporary basis—

(A) the schedule under which the aircraft will be returned to the ownership of the reserve component;

(B) a description of the condition, including the estimated remaining service life, in which any such aircraft will be returned to the reserve component; and

(C) a description of the allocation of resources, including the designation of responsibility for funding aircraft operation and maintenance and a detailed description of budgetary responsibilities, for the period for which the ownership of the aircraft is transferred to the regular component.

(3) The designation of responsibility for funding depot maintenance requirements or modifications to the aircraft generated as a result of the transfer, including any such requirements and modifications required during the period for which the ownership of the aircraft is transferred to the regular component.

(4) Any location from which the aircraft will be transferred.

(5) The effects on manpower that such a transfer may have at any facility identified under paragraph (4).

(6) The effects on the skills and proficiencies of the reserve component personnel affected by the transfer.

(7) Any other items the Director of the Air National Guard or the Commander of the Air Force Reserve Command determines are necessary in order to execute such a transfer.

(b) SUBMITTAL OF AGREEMENTS TO CONGRESS.—The Secretary of the Air Force may not take any action to transfer the ownership of an aircraft as described in subsection (a) until the Secretary submits to the congressional defense committees an agreement entered into pursuant to such subsection regarding the transfer of ownership of the aircraft.

SEC. 346. COMMERCIAL SALE OF SMALL ARMS AMMUNITION IN EXCESS OF MILITARY REQUIREMENTS.

(a) COMMERCIAL SALE OF SMALL ARMS AMMUNITION.—Small arms ammunition and ammunition components in excess of military requirements, including fired cartridge cases, which are not otherwise prohibited from commercial sale or certified by the Secretary of Defense as unserviceable or unsafe, may not be demilitarized or destroyed and shall be made available for commercial sale.

(b) DEADLINE FOR GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to ensure compliance with subsection (a). Not later than 15 days after issuing such guidance, the Secretary shall submit to the congressional defense committees a letter of compliance providing notice of such guidance.

(c) PREFERENCE.—No small arms ammunition and ammunition components in excess of military requirements may be made available for commercial sale under this section before such ammunition and ammunition components are offered for transfer or purchase, as authorized by law, to another Federal department or agency or for sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies pursuant to section 2576 of title 10, United States Code, as amended by this Act.

Subtitle F—Other Matters

SEC. 351. EXPEDITED PROCESSING OF BACKGROUND INVESTIGATIONS FOR CERTAIN INDIVIDUALS.

(a) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—Section 1564 of title 10, United States Code, is amended—

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

''(a) EXPEDITED PROCESS.—The Secretary of Defense may prescribe a process for expediting the completion of the background investigations necessary for granting security clearances for—

''(1) Department of Defense personnel and Department of Defense contractor personnel who are engaged in sensitive duties that are critical to the national security; and

''(2) any individual who—

''(A) submits an application for a position as an employee of the Department of Defense for which—

''(i) the individual is qualified; and

''(ii) a security clearance is required; and

''(B) is—

''(i) a member of the armed forces who was retired or separated, or is expected to be retired or separated, for physical disability pursuant to chapter 61 of this title;

''(ii) the spouse of a member of the armed forces who retires or is separated, after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, for a physical disability as a result of a wound, injuries or illness incurred or aggravated in the line of duty (as determined by the Secretary concerned); or

''(iii) the spouse of a member of the armed forces who dies, after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as a result of a wound, injury, or illness incurred or aggravated in the line of duty (as determined by the Secretary concerned).''; and

(2) by adding at the end the following new subsection:

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a background investigation conducted after the date of the enactment of this Act.

SEC. 352. REVISION TO AUTHORITIES RELATING TO TRANSPORTATION OF CIVILIAN PASSENGERS AND COMMERCIAL CARGOES BY DEPARTMENT OF DEFENSE WHEN SPACE UNAVAILABLE ON COMMERCIAL LINES.

(a) TRANSPORTATION ON DOD VEHICLES AND AIRCRAFT.—Subsection (a) of section 2649 of title 10, United States Code, is amended—

(1) by inserting ''AUTHORITY.—'' before ''Whenever''; and

(2) by inserting '', vehicles, or aircraft'' in the first sentence after ''vessels'' both places it appears.

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

(1) LIMITATION ON AMOUNTS CHARGED.—The second sentence of subsection (a) of such section is amended by inserting before the period the following: '', except that in the case of transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance, any amount charged for such transportation may not exceed the cost of providing the transportation''.

(2) CREDITING OF RECEIPTS.—Subsection (b) of such section is amended by striking ''Amounts'' and inserting ''CREDITING OF RECEIPTS.—Any amount received under this section with respect to transportation provided in response to an emergency, a disaster, or a request for humanitarian assistance may be credited to the appropriation, fund, or account used in incurring the obligation for which such amount is received. In all other cases, amounts''.

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

''(c) TRANSPORTATION OF ALLIED PERSONNEL DURING CONTINGENCIES OR DISASTER RESPONSES.—During the 5-year period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, when space is available on vessels, vehicles, or aircraft operated by the Department of Defense and the Secretary of Defense determines that operations in the area of a contingency operation or disaster response would be facilitated if allied forces or civilians were to be transported using such vessels, vehicles, or aircraft, the Secretary may provide such transportation on a noninterference basis, without charge.''.

(d) CONFORMING AMENDMENT.—Section 2648 of such title is amended by inserting ", vehicles, or aircraft" after "vessels" in the matter preceding paragraph (1).

(e) TECHNICAL AMENDMENTS.—

(1) The heading of section 2648 of such title is amended to read as follows:

"§ 2648. Persons and supplies: sea, land, and air transportation".

(2) The heading of section 2649 of such title is amended to read as follows:

"§ 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft".

(f) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 157 of such title is amended by striking the items relating to sections 2648 and 2649 and inserting the following new items:

"2648. Persons and supplies: sea, land, and air transportation.

"2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels, vehicles, and aircraft.".

SEC. 353. TECHNICAL CORRECTION TO OBSOLETE REFERENCE RELATING TO USE OF FLEXIBLE HIRING AUTHORITY TO FACILITATE PERFORMANCE OF CERTAIN DEPARTMENT OF DEFENSE FUNCTIONS BY CIVILIAN EMPLOYEES.

Section 2463(d)(1) of title 10, United States Code, is amended by striking "under the National Security Personnel System, as established".

SEC. 354. AUTHORITY FOR PAYMENT OF FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO HOUSEHOLD GOODS IN LIMITED CASES NOT COVERED BY CARRIER LIABILITY.

(a) CLAIMS AUTHORITY.—

(1) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available

"The Secretary of Defense and the Secretaries of the military departments, in paying a claim under section 3721 of title 31 arising from loss or damage to household goods stored or transported at the expense of the Department of Defense, may pay the claim on the basis of full replacement value in any of the following cases in which reimbursement for the full replacement value for the loss or damage is not available directly from a carrier under section 2636a of this title:

"(1) A case in which—

"(A) the lost or damaged goods were stored or transported under a contract, tender, or solicitation in accordance with section 2636a of this title that requires the transportation service provider to settle claims on the basis of full replacement value; and

"(B) the loss or damage occurred under circumstances that exclude the transportation service provider from liability.

"(2) A case in which—

"(A) the loss or damage occurred while the lost or damaged goods were in the possession of an ocean carrier that was transporting, loading, or unloading the goods under a Department of Defense contract for ocean carriage; and

"(B) the land-based portions of the transportation were under contracts, in accordance with section 2636a of this title, that require the land carriers to settle claims on the basis of full replacement value.

"(3) A case in which—

"(A) the lost or damaged goods were transported or stored under a contract or solicitation that requires at least one of the transportation service providers or carriers that handled the shipment to settle claims on the basis of full replacement value pursuant to section 2636a of this title;

"(B) the lost or damaged goods have been in the custody of more than one independent contractor or transportation service provider; and

"(C) a claim submitted to the delivering transportation service provider or carrier is denied in whole or in part because the loss or damage occurred while the lost or damaged goods were in the custody of a prior transportation service provider or carrier or government entity.".

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

"2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available.".

(b) EFFECTIVE DATE.—Section 2740 of title 10, United States Code, as added by subsection (a), shall apply with respect to losses incurred after the date of the enactment of this Act.

SEC. 355. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2790. Recovery of improperly disposed of Department of Defense property

"(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

"(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

"(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in material violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found. Unless an exception to the warrant requirement under the fourth amendment to the Constitution applies, seizure may be made only—

"(1) pursuant to—

"(A) a warrant issued by the district court of the United States for the district in which the property is located, or for the district in which the person in possession of the property resides or is subject to service; or

"(B) pursuant to an order by such court, issued after a determination of improper transfer under subsection (e); and

"(2) after such a court has issued such a warrant or order.

"(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to—

"(1) property on public display by public or private collectors or museums in secured exhibits; or

"(2) property in the collection of any museum or veterans organization or held in a private collection for the purpose of public display, provided that any such property, the possession of which could undermine national security or create a hazard to public health or safety, has been fully demilitarized.

"(e) DETERMINATIONS OF VIOLATIONS.—(1) The district court of the United States for the district in which the property is located, or the district in which the person in possession of the property resides or is subject to service, shall have jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

"(2) Except as provided in paragraph (3), in the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property, as long as the United States files an action seeking such determination within 90 days after seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the market value for the property.

"(3) Paragraph (2) shall not apply to any firearm, ammunition, or ammunition component, or firearm part or accessory that is not prohibited for commercial sale.

"(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

"(g) SCOPE OF ENFORCEMENT.—This section shall apply to the following:

"(1) Any military or Department of Defense property disposed of on or after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of such property.

"(2) Any significant military equipment disposed of on or after January 1, 2002, in a manner that is not in accordance with statutes and regulations governing Government property in effect at the time of the disposal of such significant military equipment.

"(h) RULE OF CONSTRUCTION.—The authority of this section is in addition to any other authority of the United States with respect to property to which the United States may have right or title.

"(i) DEFINITIONS.—In this section:

"(1) The term 'significant military equipment' means defense articles on the United States Munitions List for which special export controls are warranted because of their capacity for substantial military utility or capability.

"(2) The term 'museum' has the meaning given that term in section 273(1) of the Museum Services Act (20 U.S.C. 9172(1)).

"(3) The term 'fully demilitarized' means, with respect to equipment or material, the destruction of the military offensive or defensive advantages inherent in the equipment or material, including, at a minimum, the destruction or disabling of key points of such equipment or material, such as the fuselage, tail assembly, wing spar, armor, radar and radomes, armament and armament provisions, operating systems and software, and classified items.

"(4) The term 'veterans organization' means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of

such title is amended by inserting after the item relating to section 2789 the following new item:

''2790. Recovery of improperly disposed of Department of Defense property.''.

SEC. 356. OPERATIONAL READINESS MODELS.

(a) REVIEW OF MODELS.—Not later than September 30, 2011, the Director of the Congressional Budget Office shall conduct a study to identify, compare, and contrast the budget preparation tools and models used by each of the military departments to determine funding levels for operational readiness requirements during the programming, planning, budgeting, and execution process and report the findings to the congressional defense committees. In carrying out such study, the Director shall—

(1) assess whether any additional or alternative verified and validated operational readiness model used by any military department for budgeting for flying or ground equipment hours, steaming days, equipment operations, equipment maintenance, and depot maintenance should be incorporated into the budget process of that military department; and

(2) identify any shortcomings or deficiencies in the approach of each military department in building the operational readiness budget for that department.

(b) CONGRESSIONAL BRIEFING.—Not later than April 1, 2012, in conjunction with the submission by the Secretary of Defense of the budget justification documents for fiscal year 2013, the Secretaries of each of the military departments, or designated representatives thereof, shall brief the congressional defense committees on their respective responses to the study conducted by the Director of the Congressional Budget Office. Each such briefing shall include—

(1) a description of how the military department concerned plans to address any deficiencies in the development of the operational readiness budget of such department identified in the study; and

(2) a description of how the modeling tools identified in the study could be used by the military department to improve the development of the operational readiness budget for the department.

SEC. 357. SENSE OF CONGRESS REGARDING CONTINUED IMPORTANCE OF HIGH-ALTITUDE AVIATION TRAINING SITE, COLORADO.

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

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

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

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

(1) the High-Altitude Army Aviation Training Site continues to be critically important to ensuring the readiness and capabilities of rotor-wing military pilots; and

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

SEC. 358. STUDY OF EFFECTS OF NEW CONSTRUCTION OF OBSTRUCTIONS ON MILITARY INSTALLATIONS AND OPERATIONS.

(a) OBJECTIVE.—It shall be an objective of the Department of Defense to ensure that the robust development of renewable energy sources and the increased resiliency of the commercial electrical grid may move forward in the United States, while minimizing or mitigating any adverse impacts on military operations and readiness.

(b) DESIGNATION OF SENIOR OFFICIAL AND LEAD ORGANIZATION.—

(1) DESIGNATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense, and a lead organization of the Department of Defense, to—

(A) serve as the executive agent to carry out the review required by subsection (d);

(B) serve as a clearinghouse to coordinate Department of Defense review of applications for projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, and received by the Department of Defense from the Secretary of Transportation; and

(C) accelerate the development of planning tools necessary to determine the acceptability to the Department of Defense of proposals included in an application for a project submitted pursuant to such section.

(2) RESOURCES.—The Secretary shall ensure that the senior official and lead organization designated under paragraph (1) are assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

(c) INITIAL ACTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the senior official and lead organization designated pursuant to subsection (b), shall—

(1) conduct a preliminary review of each application for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that may have an adverse impact on military operations and readiness, unless such project has been granted a determination of no hazard. Such review shall, at a minimum, for each such project—

(A) assess the likely scope and duration of any adverse impact of such project on military operations and readiness; and

(B) identify any feasible and affordable actions that could be taken in the immediate future by the Department, the developer of such project, or others to mitigate such adverse impact and to minimize risks to national security while allowing such project to proceed with development;

(2) develop, in coordination with other departments and agencies of the Federal Government, an integrated review process to ensure timely notification and consideration of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that may have an adverse impact on military operations and readiness;

(3) establish procedures for the Department of Defense for the coordinated consideration of and response to a request for a review received from State and local officials or the developer of a renewable energy development or other energy project, including guidance to personnel at each military installation in the United States on how to initiate such procedures and ensure a coordinated Department response while seeking to fulfil the objective under subsection (a); and

(4) develop procedures for conducting early outreach to parties carrying out projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, that could have an adverse impact on military operations and readiness, and to the general public, to clearly communicate notice on actions being taken by the Department of Defense under this section and to receive comments from such parties and the general public on such actions.

(d) COMPREHENSIVE REVIEW.—

(1) STRATEGY REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense, acting through the senior official and lead organization designated pursuant to subsection (b), shall develop a comprehensive strategy for addressing the military impacts of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code.

(2) ELEMENTS.—In developing the strategy required by paragraph (1), the Secretary of Defense shall—

(A) assess of the magnitude of interference posed by projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code;

(B) identify geographic areas selected as proposed locations for projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, where such projects could have an adverse impact on military operations and readiness and categorize the risk of adverse impact in such areas as high, medium, or low for the purpose of informing early outreach efforts under subsection (c)(4) and preliminary assessments under subsection (e); and

(C) specifically identify feasible and affordable long-term actions that may be taken to mitigate adverse impacts of projects filed, or which may be filed in the future, with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, on military operations and readiness, including—

(i) investment priorities of the Department of Defense with respect to research and development;

(ii) modifications to military operations to accommodate applications for such projects;

(iii) recommended upgrades or modifications to existing systems or procedures by the Department of Defense;

(iv) acquisition of new systems by the Department and other departments and agencies of the Federal Government and timelines for fielding such new systems; and

(v) modifications to the projects for which such applications are filed, including changes in size, location, or technology.

(e) DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—

(1) PRELIMINARY ASSESSMENT.—The procedures established pursuant to subsection (c) shall ensure that not later than 30 days after receiving a proper application for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, the Secretary of Defense shall review the project and provide a preliminary assessment of the level of risk of adverse impact on military operations and readiness that would arise from the project and the extent of mitigation that may be needed to address such risk.

(2) DETERMINATION OF UNACCEPTABLE RISK.—The procedures established pursuant to subsection (c) shall ensure that the Secretary of Defense does not object to a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, except in a case in which the Secretary of Defense determines, after giving full consideration to mitigation actions identified pursuant to this section, that such project would result in an unacceptable risk to the national security of the United States.

(3) CONGRESSIONAL NOTICE REQUIREMENT.—Not later than 30 days after making a determination of unacceptable risk under paragraph (2), the Secretary of Defense shall submit to the congressional defense committees

a report on such determination and the basis for such determination. Such a report shall include an explanation of the operational impact that led to the determination, a discussion of the mitigation options considered, and an explanation of why the mitigation options were not feasible or did not resolve the conflict.

(4) NON-DELEGATION OF DETERMINATIONS.—The responsibility for making a determination of unacceptable risk under paragraph (2) may only be delegated to an appropriate senior officer of the Department of Defense, on the recommendation of the senior official designated pursuant to subsection (b). The following individuals are appropriate senior officers of the Department of Defense for the purposes of this paragraph:

(A) The Deputy Secretary of Defense.

(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(C) The Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.

(f) REPORTS.—

(1) REPORT TO CONGRESS.—Not later than March 15 each year from 2011 through 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the actions taken by the Department of Defense during the preceding year to implement this section and the comprehensive strategy developed pursuant to this section.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of a review carried out by the Secretary of Defense of any projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code—

(i) that the Secretary of Defense has determined would result in an unacceptable risk to the national security; and

(ii) for which the Secretary of Defense has recommended to the Secretary of Transportation that a hazard determination be issued;

(B) an assessment of the risk associated with the loss or modifications of military training routes and a quantification of such risk;

(C) an assessment of the risk associated with solar power and similar systems as to the effects of glint on military readiness;

(D) an assessment of the risk associated with electromagnetic interference on military readiness, including the effects of testing and evaluation ranges;

(E) an assessment of any risks posed by the development of projects filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code, to the prevention of threats and aggression directed toward the United States and its territories; and

(F) a description of the distance from a military installation that the Department of Defense will use to prescreen applicants under section 44718 of title 49, United States Code.

(g) AUTHORITY TO ACCEPT CONTRIBUTIONS OF FUNDS.—The Secretary of Defense is authorized to accept a voluntary contribution of funds from an applicant for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49, United States Code. Amounts so accepted shall be available for the purpose of offsetting the cost of measures undertaken by the Secretary of Defense to mitigate adverse impacts of such project on military operations and readiness.

(h) EFFECT OF DEPARTMENT OF DEFENSE HAZARD ASSESSMENT.—An action taken pursuant to this section shall not be considered to be a substitute for any assessment or determination required of the Secretary of Transportation under section 44718 of title 49, United States Code.

(i) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(j) DEFINITIONS.—In this section:

(1) The term ''military training route'' means a training route developed as part of the Military Training Route Program, carried out jointly by the Federal Aviation Administration and the Secretary of Defense, for use by the Armed Forces for the purpose of conducting low-altitude, high-speed military training.

(2) The term ''military installation'' has the meaning given that term in section 2801(c)(4) of title 10, United States Code.

(3) The term ''military readiness'' includes any training or operation that could be related to combat readiness, including testing and evaluation activities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2011 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2011, as follows:

(1) The Army, 569,400.

(2) The Navy, 328,700.

(3) The Marine Corps, 202,100.

(4) The Air Force, 332,200.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 547,400.

''(2) For the Navy, 324,300.

''(3) For the Marine Corps, 202,100.

''(4) For the Air Force, 332,200.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2011, as follows:

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 65,500.

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

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

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

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

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

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

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

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,688.

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

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

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

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2011 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

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

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

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

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2011, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

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

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

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

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2011, the maximum number of members of the reserve components of the Armed Forces who may be serving at any

time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

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

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2011.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Ages for appointment and mandatory retirement for health professions officers.
Sec. 502. Authority for appointment of warrant officers in the grade of W–1 by commission and standardization of warrant officer appointing authority.
Sec. 503. Nondisclosure of information from discussions, deliberations, notes, and records of special selection boards.
Sec. 504. Administrative removal of officers from promotion list.
Sec. 505. Modification of authority for officers selected for appointment to general and flag officer grades to wear insignia of higher grade before appointment.
Sec. 506. Temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.

Subtitle B—Reserve Component Management

Sec. 511. Removal of statutory distribution limits on Navy reserve flag officer allocation.
Sec. 512. Assignment of Air Force Reserve military technicians (dual status) to positions outside Air Force Reserve unit program.
Sec. 513. Temporary authority for temporary employment of non-dual status military technicians.
Sec. 514. Revision of structure and functions of the Reserve Forces Policy Board.
Sec. 515. Repeal of requirement for new oath when officer transfers from active-duty list to reserve active-status list.
Sec. 516. Leave of members of the reserve components of the Armed Forces.
Sec. 517. Direct appointment of graduates of the United States Merchant Marine Academy into the National Guard.

Subtitle C—Joint Qualified Officers and Requirements

Sec. 521. Technical revisions to definition of joint matters for purposes of joint officer management.
Sec. 522. Modification of promotion board procedures for joint qualified officers and officers with Joint Staff experience.

Subtitle D—General Service Authorities

Sec. 531. Extension of temporary authority to order retired members of the Armed Forces to active duty in high-demand, low-density assignments.
Sec. 532. Non-chargeable rest and recuperation absence for certain members undergoing extended deployment to a combat zone.
Sec. 533. Correction of military records.
Sec. 534. Disposition of members found to be fit for duty who are not suitable for deployment or worldwide assignment for medical reasons.
Sec. 535. Review of laws, policies, and regulations restricting service of female members of the Armed Forces.

Subtitle E—Military Justice and Legal Matters

Sec. 541. Continuation of warrant officers on active duty to complete disciplinary action.
Sec. 542. Enhanced authority to punish contempt in military justice proceedings.
Sec. 543. Improvements to Department of Defense domestic violence programs.

Subtitle F—Member Education and Training Opportunities and Administration

Sec. 551. Enhancements of Department of Defense undergraduate nurse training program.
Sec. 552. Repayment of education loan repayment benefits.
Sec. 553. Participation of Armed Forces Health Professions Scholarship and Financial Assistance Program recipients in active duty health profession loan repayment program.
Sec. 554. Active duty obligation for military academy graduates who participate in the Armed Forces Health Professions Scholarship and Financial Assistance program.

Subtitle G—Defense Dependents' Education

Sec. 561. 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. 562. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 563. Impact aid for children with severe disabilities.

Subtitle H—Decorations and Awards

Sec. 571. Clarification of persons eligible for award of bronze star medal.
Sec. 572. Authorization and request for award of Distinguished-Service Cross to Shinyei Matayoshi for acts of valor during World War II.
Sec. 573. Authorization and request for award of Distinguished-Service Cross to Jay C. Copley for acts of valor during the Vietnam War.
Sec. 574. Program to commemorate 60th anniversary of the Korean War.

Subtitle I—Military Family Readiness Matters

Sec. 581. Appointment of additional members of Department of Defense Military Family Readiness Council.
Sec. 582. Enhancement of community support for military families with special needs.
Sec. 583. Modification of Yellow Ribbon Reintegration Program.
Sec. 584. Expansion and continuation of Joint Family Support Assistance Program.
Sec. 585. Report on military spouse education programs.
Sec. 586. Report on enhancing benefits available for military dependent children with special education needs.
Sec. 587. Reports on child development centers and financial assistance for child care for members of the Armed Forces.

Subtitle J—Other Matters

Sec. 591. 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. 592. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 593. Admission of defense industry civilians to attend United States Air Force Institute of Technology.
Sec. 594. Updated terminology for Army Medical Service Corps.
Sec. 595. Date for submission of annual report on Department of Defense STARBASE Program.
Sec. 596. Extension of deadline for submission of final report of Military Leadership Diversity Commission.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. AGES FOR APPOINTMENT AND MANDATORY RETIREMENT FOR HEALTH PROFESSIONS OFFICERS.

(a) AGE FOR ORIGINAL APPOINTMENT AS HEALTH PROFESSIONS OFFICER.—Section 532(d)(2) of title 10, United States Code, is amended by striking ''reserve''.

(b) MANDATORY RETIREMENT AGE FOR HEALTH PROFESSIONS OFFICERS.—

(1) ADDITIONAL CATEGORIES OF OFFICERS ELIGIBLE FOR DEFERRAL OF MANDATORY RETIREMENT FOR AGE.—Paragraph (2) of section 1251(b) of such title is amended—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

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

''(D) an officer in a category of officers designated by the Secretary of the military department concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

''(i) providing health care;

''(ii) performing other clinical care; or

''(iii) performing health care-related administrative duties.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such section is amended by striking ''the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.'' and inserting ''the officer—

''(A) will be performing duties consisting primarily of providing patient care or performing other clinical duties; or

''(B) is in a category of officers designated under subparagraph (D) of paragraph (2) whose duties will consist primarily of the duties described in clause (i), (ii), or (iii) of such subparagraph.''.

SEC. 502. AUTHORITY FOR APPOINTMENT OF WARRANT OFFICERS IN THE GRADE OF W–1 BY COMMISSION AND STANDARDIZATION OF WARRANT OFFICER APPOINTING AUTHORITY.

(a) REGULAR OFFICERS.—

(1) AUTHORITY FOR APPOINTMENTS BY COMMISSION IN WARRANT OFFICER W–1 GRADE.—The first sentence of section 571(b) of title 10, United States Code, is amended by striking ''by the Secretary concerned'' and inserting '', except that with respect to an armed force under the jurisdiction of the Secretary of a military department, the Secretary concerned may provide by regulation that appointments in that grade in that armed force shall be made by commission''.

(2) APPOINTING AUTHORITY.—The second sentence of such section is amended by inserting before the period at the end the following: '', and appointments (whether by warrant or commission) in the grade of regular warrant officer, W–1, shall be made by the President, except that appointments in that grade in the Coast Guard shall be made by the Secretary concerned''.

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

''(b) Appointments in permanent reserve warrant officer grades shall be made in the same manner as is prescribed for regular warrant officer grades by section 571(b) of this title.''.

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

SEC. 503. NONDISCLOSURE OF INFORMATION FROM DISCUSSIONS, DELIBERATIONS, NOTES, AND RECORDS OF SPECIAL SELECTION BOARDS.

(a) NONDISCLOSURE OF BOARD PROCEEDINGS.—Section 613a of title 10, United States Code, is amended—

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

''(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 573, 611, or 628 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.'';

(2) in subsection (b), by striking ''AND RECORDS'' and inserting ''NOTES, AND RECORDS''; and

(3) by adding at the end the following new subsection:

''(c) APPLICABILITY.—This section applies to all selection boards convened under section 573, 611, or 628 of this title, regardless of the date on which the board was convened.''.

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

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

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

''(a) PROHIBITION ON DISCLOSURE.—The proceedings of a selection board convened under section 14101 or 14502 of this title may not be disclosed to any person not a member of the board, except as authorized or required to process the report of the board. This prohibition is a statutory exemption from disclosure, as described in section 552(b)(3) of title 5.'';

(2) in subsection (b), by striking ''AND RECORDS'' and inserting ''NOTES, AND RECORDS''; and

(3) by adding at the end the following new subsection:

''(c) APPLICABILITY.—This section applies to all selection boards convened under section 14101 or 14502 of this title, regardless of the date on which the board was convened.''.

SEC. 504. ADMINISTRATIVE REMOVAL OF OFFICERS FROM PROMOTION LIST.

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

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) ADMINISTRATIVE REMOVAL.—Under regulations prescribed by the Secretary concerned, if an officer on the active-duty list is discharged or dropped from the rolls or transferred to a retired status after having been recommended for promotion to a higher grade under this chapter, but before being promoted, the officer's name shall be administratively removed from the list of officers recommended for promotion by a selection board.''.

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

(1) by redesignating subsection (d) as subsection (e); and

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

''(d) ADMINISTRATIVE REMOVAL.—Under regulations prescribed by the Secretary concerned, if an officer on the reserve active-status list is discharged or dropped from the rolls or transferred to a retired status after having been recommended for promotion to a higher grade under this chapter or having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer's name shall be administratively removed from the list of officers recommended for promotion by a selection board.''.

SEC. 505. MODIFICATION OF AUTHORITY FOR OFFICERS SELECTED FOR APPOINTMENT TO GENERAL AND FLAG OFFICER GRADES TO WEAR INSIGNIA OF HIGHER GRADE BEFORE APPOINTMENT.

(a) LIMITED AUTHORITY FOR OFFICERS SELECTED FOR APPOINTMENT TO GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—

(1) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 777a. Wearing of insignia of higher grade before appointment to a grade above major general or rear admiral (frocking): authority; restrictions

''(a) AUTHORITY.—An officer serving in a grade below the grade of lieutenant general or, in the case of the Navy, vice admiral, who has been selected for appointment to the grade of lieutenant general or general, or, in the case of the Navy, vice admiral or admiral, and an officer serving in the grade of lieutenant general or vice admiral who has been selected for appointment to the grade of general or admiral, may be authorized, under regulations and policies of the Department of Defense and subject to subsection (b), to wear the insignia for that higher grade for a period of up to 14 days before assuming the duties of a position for which the higher grade is authorized. An officer who is so authorized to wear the insignia of a higher grade is said to be 'frocked' to that grade.

''(b) RESTRICTIONS.—An officer may not be authorized to wear the insignia for a grade as described in subsection (a) unless—

''(1) the Senate has given its advice and consent to the appointment of the officer to that grade;

''(2) the officer has received orders to serve in a position outside the military department of that officer for which that grade is authorized;

''(3) the Secretary of Defense (or a civilian officer within the Office of the Secretary of Defense whose appointment was made with the advice and consent of the Senate and to whom the Secretary delegates such approval authority) has given approval for the officer to wear the insignia for that grade before assuming the duties of a position for which that grade is authorized; and

''(4) the Secretary of Defense has submitted to Congress a written notification of the intent to authorize the officer to wear the insignia for that grade.

''(c) BENEFITS NOT TO BE CONSTRUED AS ACCRUING.—(1) Authority provided to an officer as described in subsection (a) to wear the insignia of a higher grade may not be construed as conferring authority for that officer to—

''(A) be paid the rate of pay provided for an officer in that grade having the same number of years of service as that officer; or

''(B) assume any legal authority associated with that grade.

''(2) The period for which an officer wears the insignia of a higher grade under such authority may not be taken into account for any of the following purposes:

''(A) Seniority in that grade.

''(B) Time of service in that grade.

''(d) LIMITATION ON NUMBER OF OFFICERS FROCKED.—The total number of officers who are authorized to wear the insignia for a higher grade under this section shall count against the limitation in section 777(d) of this title on the total number of officers authorized to wear the insignia of a higher grade.''.

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

''777a. Wearing of insignia of higher grade before appointment to a grade above major general or rear admiral (frocking): authority; restrictions.''.

(b) REPEAL OF WAITING PERIOD FOLLOWING CONGRESSIONAL NOTIFICATION FOR OFFICERS SELECTED FOR APPOINTMENT TO GENERAL AND FLAG OFFICER GRADES BELOW LIEUTENANT GENERAL AND VICE ADMIRAL.—Section 777(b)(3)(B) of such title is amended by striking ''and a period of 30 days has elapsed after the date of the notification''.

SEC. 506. TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

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

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

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking ''January 6, 2006, and ending on December 31, 2008'' and inserting ''the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013''.

Subtitle B—Reserve Component Management

SEC. 511. REMOVAL OF STATUTORY DISTRIBUTION LIMITS ON NAVY RESERVE FLAG OFFICER ALLOCATION.

Section 12004(c) of title 10, United States Code, is amended—

(1) by striking paragraphs (2), (3), and (5); and

(2) by redesignating paragraph (4) as paragraph (2).

SEC. 512. ASSIGNMENT OF AIR FORCE RESERVE MILITARY TECHNICIANS (DUAL STATUS) TO POSITIONS OUTSIDE AIR FORCE RESERVE UNIT PROGRAM.

Section 10216(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) Paragraph (1) does not apply to a military technician (dual status) who is employed by the Air Force Reserve in an area other than the Air Force Reserve unit program, except that not more than 50 of such technicians may be assigned outside of the unit program at the same time.''.

SEC. 513. TEMPORARY AUTHORITY FOR TEMPORARY EMPLOYMENT OF NON-DUAL STATUS MILITARY TECHNICIANS.

(a) EXCEPTION FOR TEMPORARY EMPLOYMENT.—Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

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

''(3) is hired as a temporary employee pursuant to the exception for temporary employment provided by subsection (d) and subject to the terms and conditions of such subsection.''; and

(2) by adding at the end the following new subsection:

''(d) EXCEPTION FOR TEMPORARY EMPLOYMENT.—(1) Notwithstanding section 10218 of this title, the Secretary of the Army or the Secretary of the Air Force may employ, for a period not to exceed two years, a person to fill a vacancy created by the mobilization of a military technician (dual status) occupying a position under section 10216 of this title.

''(2) The duration of the temporary employment of a person in a military technician position under this subsection may not exceed the shorter of the following:

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

''(B) Two years.

''(3) No person may be hired under the authority of this subsection after the end of the 2-year period beginning on the date of the enactment of this subsection.''.

(b) EXCEPTION FROM PERMANENT LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(3) An individual employed as a non-dual status technician as described in subsection (a)(3) shall not be consider a non-dual status technician for purposes of paragraphs (1) and (2).''.

SEC. 514. REVISION OF STRUCTURE AND FUNCTIONS OF THE RESERVE FORCES POLICY BOARD.

(a) REVISION OF STRUCTURE.—

(1) IN GENERAL.—Section 10301 of title 10, United States Code, is amended to read as follows:

''§ 10301. Reserve Forces Policy Board

''(a) IN GENERAL.—As provided in section 175 of this title, there is in the Office of the Secretary of Defense a board known as the 'Reserve Forces Policy Board' (in this section referred to as the 'Board').

''(b) FUNCTIONS.—The Board shall serve as an independent adviser to the Secretary of Defense to provide advice and recommendations to the Secretary on strategies, policies, and practices designed to improve and enhance the capabilities, efficiency, and effectiveness of the reserve components.

''(c) MEMBERSHIP.—The Board consists of 20 members, appointed or designated as follows:

''(1) A civilian appointed by the Secretary of Defense from among persons determined by the Secretary to have the knowledge of, and experience in, policy matters relevant to national security and reserve component matters necessary to carry out the duties of chair of the Board, who shall serve as chair of the Board.

''(2) Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon the recommendation of the Secretary of the Army—

''(A) one of whom shall be a member of the Army National Guard of the United States or a former member of the Army National Guard of the United States in the Retired Reserve; and

''(B) one of whom shall be a member or retired member of the Army Reserve.

''(3) Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy—

''(A) one of whom shall be an active or retired officer of the Navy Reserve; and

''(B) one of whom shall be an active or retired officer of the Marine Corps Reserve.

''(4) Two active or retired reserve officers or enlisted members designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force—

''(A) one of whom shall be a member of the Air National Guard of the United States or a former member of the Air National Guard of the United States in the Retired Reserve; and

''(B) one of whom shall be a member or retired member of the Air Force Reserve.

''(5) One active or retired reserve officer or enlisted member of the Coast Guard designated by the Secretary of Homeland Security.

''(6) Ten persons appointed or designated by the Secretary of Defense, each of whom shall be a United States citizen having significant knowledge of and experience in policy matters relevant to national security and reserve component matters and shall be one of the following:

''(A) An individual not employed in any Federal or State department or agency.

''(B) An individual employed by a Federal or State department or agency.

''(C) An officer of a regular component of the armed forces on active duty, or an officer of a reserve component of the armed forces in an active status, who—

''(i) is serving or has served in a senior position on the Joint Staff, the headquarters staff of a combatant command, or the headquarters staff of an armed force; and

''(ii) has experience in joint professional military education, joint qualification, and joint operations matters.

''(7) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general or flag officer recommended by the chair and designated by the Secretary of Defense, who shall serve without vote—

''(A) as military adviser to the chair;

''(B) as military executive officer of the Board; and

''(C) as supervisor of the operations and staff of the Board.

''(8) A senior enlisted member of a reserve component recommended by the chair and designated by the Secretary of Defense, who shall serve without vote as enlisted military adviser to the chair.

''(d) MATTERS TO BE ACTED ON.—The Board may act on those matters referred to it by the chair and on any matter raised by a member of the Board or the Secretary of Defense.

''(e) STAFF.—The Board shall be supported by a staff consisting of one full-time officer from each of the reserve components listed in paragraphs (1) through (6) of section 10101 of this title who holds the grade of colonel (or in the case of the Navy, the grade of captain) or who has been selected for promotion to that grade. These officers shall also serve as liaisons between their respective components and the Board. They shall perform their staff and liaison duties under the supervision of the military executive officer of the Board in an independent manner reflecting the independent nature of the Board.

''(f) RELATIONSHIP TO SERVICE RESERVE POLICY COMMITTEES AND BOARDS.—This section does not affect the committees and boards prescribed within the military departments by sections 10302 through 10305 of this title, and a member of such a committee or board may, if otherwise eligible, be a member of the Board.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on July 1, 2011.

(b) REVISION TO ANNUAL REPORT REQUIREMENT.—Section 113(c)(2) of title 10, United States Code, is amended by striking ''the reserve programs of the Department of Defense and on any other matters'' and inserting ''on any reserve component matter''.

SEC. 515. REPEAL OF REQUIREMENT FOR NEW OATH WHEN OFFICER TRANSFERS FROM ACTIVE-DUTY LIST TO RESERVE ACTIVE-STATUS LIST.

Section 12201(a)(2) of title 10, United States Code, is amended by striking ''An officer transferred from the active-duty list of an armed force to a reserve active-status list of an armed force under section 647 of this title'' and inserting ''If an officer is transferred from the active-duty list of an armed force to a reserve active-status list of an armed force in accordance with regulations prescribed by the Secretary of Defense, the officer''.

SEC. 516. LEAVE OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

(a) CARRYOVER OF ACCUMULATED LEAVE TO SUCCEEDING PERIOD OF ACTIVE SERVICE.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(k) A member of a reserve component who accumulates leave during a period of active service may carry over any leave so accumulated to the member's next period of active service, subject to the accumulation limits in subsections (b), (d), and (f), without regard to separation or release from active service if the separation or release is under honorable conditions. The taking of leave carried over under this subsection shall be subject to the provisions of this section.''.

(b) PAYMENT FOR UNUSED ACCRUED LEAVE.—Section 501(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(4) in the case of an officer or an enlisted member of a reserve component who is not serving on active duty, separation or release from the reserve component under honorable conditions, or death; and

''(5) in the case of an enlisted member of a reserve a component who is not serving on

active duty, termination of enlistment in conjunction with the commencement of a successive enlistment, or appointment as an officer.''.

SEC. 517. DIRECT APPOINTMENT OF GRADUATES OF THE UNITED STATES MERCHANT MARINE ACADEMY INTO THE NATIONAL GUARD.

Section 305(a)(5) of title 32, United States Code, is amended by striking ''or the United States Coast Guard Academy'' and inserting ''the United States Coast Guard Academy, or the United States Merchant Marine Academy''.

Subtitle C—Joint Qualified Officers and Requirements

SEC. 521. TECHNICAL REVISIONS TO DEFINITION OF JOINT MATTERS FOR PURPOSES OF JOINT OFFICER MANAGEMENT.

Section 668(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''multiple'' in the matter preceding subparagraph (A) and inserting ''integrated''; and

(B) by striking ''and'' at the end of the subparagraph (D) and inserting ''or''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) In the context of joint matters, the term 'integrated military forces' refers to military forces that are involved in the planning or execution (or both) of operations involving participants from—

''(A) more than one military department; or

''(B) a military department and one or more of the following:

''(i) Other departments and agencies of the United States.

''(ii) The military forces or agencies of other countries.

''(iii) Non-governmental persons or entities.''.

SEC. 522. MODIFICATION OF PROMOTION BOARD PROCEDURES FOR JOINT QUALIFIED OFFICERS AND OFFICERS WITH JOINT STAFF EXPERIENCE.

(a) BOARD COMPOSITION.—Subsection (c) of section 612 of title 10, United States Code, is amended to read as follows:

''(c)(1) Each selection board convened under section 611(a) of this title that will consider an officer described in paragraph (2) shall include at least one officer designated by the Chairman of the Joint Chiefs of Staff who is a joint qualified officer.

''(2) Paragraph (1) applies with respect to an officer who—

''(A) is serving on, or has served on, the Joint Staff; or

''(B) is a joint qualified officer.

''(3) The Secretary of Defense may waive the requirement in paragraph (1) in the case of—

''(A) any selection board of the Marine Corps; or

''(B) any selection board that is considering officers in specialties identified in paragraph (2) or (3) of section 619a(b) of this title.''.

(b) INFORMATION FURNISHED TO SELECTION BOARDS.—Section 615 of such title is amended in subsections (b)(5) and (c) by striking ''in joint duty assignments of officers who are serving, or have served, in such assignments'' and inserting ''of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers''.

(c) ACTION ON REPORT OF SELECTION BOARDS.—Section 618(b) of such title is amended—

(1) in paragraph (1), by striking ''are serving, or have served, in joint duty assignments'' and inserting ''are serving on, or have served on, the Joint Staff or are joint qualified officers'';

(2) in subparagraphs (A) and (B) of paragraph (2), by striking ''in joint duty assignments of officers who are serving, or have served, in such assignments'' and inserting ''of officers who are serving on, or have served on, the Joint Staff or are joint qualified officers''; and

(3) in paragraph (4), by striking ''in joint duty assignments'' and inserting ''who are serving on, or have served on, the Joint Staff or are joint qualified officers''.

Subtitle D—General Service Authorities

SEC. 531. EXTENSION OF TEMPORARY AUTHORITY TO ORDER RETIRED MEMBERS OF THE ARMED FORCES TO ACTIVE DUTY IN HIGH-DEMAND, LOW-DENSITY ASSIGNMENTS.

(a) EXTENSION OF AUTHORITY.—Section 688a(f) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing an assessment by the Secretary of the need to extend the authority provided by section 688a of title 10, United States Code, beyond December 31, 2011. The report shall include, at a minimum, the following:

(1) A list of the current types of high-demand, low-density capabilities (as defined in such section) for which the authority is being used to address operational requirements.

(2) For each high-demand, low-density capability included in the list under paragraph (1), the number of retired members of the Armed Forces who have served on active duty at any time during each of fiscal years 2007 through 2010 under the authority.

(3) A plan to increase the required active duty strength for the high-demand, low-density capabilities included in the list under paragraph (1) to eliminate the need to use the authority.

SEC. 532. NON-CHARGEABLE REST AND RECUPERATION ABSENCE FOR CERTAIN MEMBERS UNDERGOING EXTENDED DEPLOYMENT TO A COMBAT ZONE.

(a) IN GENERAL.—Chapter 40 of title 10, United States Code, is amended by inserting after section 705 the following new section:

''§ 705a. Rest and recuperation absence: certain members undergoing extended deployment to a combat zone

''(a) REST AND RECUPERATION AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide a member of the armed forces described in subsection (b) the benefits described in subsection (c).

''(b) COVERED MEMBERS.—A member of the armed forces described in this subsection is any member who—

''(1) is assigned or deployed for at least 270 days in an area or location—

''(A) that is designated by the President as a combat zone; and

''(B) in which hardship duty pay is authorized to be paid under section 305 of title 37; and

''(2) meets such other criteria as the Secretary of Defense may prescribe in the regulations required by subsection (a).

''(c) BENEFITS.—The benefits described in this subsection are the following:

''(1) A period of rest and recuperation absence for not more than 15 days.

''(2) Round-trip transportation at Government expense from the area or location in which the member is serving in connection with the exercise of the period of rest and recuperation.

''(d) CONSTRUCTION WITH OTHER LEAVE.—Any benefits provided a member under this section are in addition to any other leave or absence to which the member may be entitled.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 705 the following new item:

''705a. Rest and recuperation absence: certain members undergoing extended deployment to a combat zone.''.

SEC. 533. CORRECTION OF MILITARY RECORDS.

(a) MEMBERS ELIGIBLE TO REQUEST REVIEW OF RETIREMENT OR SEPARATION WITHOUT PAY FOR PHYSICAL DISABILITY.—Section 1554(a) of title 10, United States Code, is amended—

(1) by striking ''an officer'' and inserting ''a member or former member of the uniformed services''; and

(2) by striking ''his case'' and inserting ''the member's case''.

(b) LIMITATION ON REDUCTION IN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCY.—1559(a) of such title is amended by striking ''December 31, 2010'' and inserting ''December 31, 2013''.

SEC. 534. DISPOSITION OF MEMBERS FOUND TO BE FIT FOR DUTY WHO ARE NOT SUITABLE FOR DEPLOYMENT OR WORLDWIDE ASSIGNMENT FOR MEDICAL REASONS.

(a) DISPOSITION.—

(1) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1214 the following new section:

''§ 1214a. Members determined fit for duty in Physical Evaluation Board evaluation: prohibition on involuntary administrative separation due to unsuitability based on medical conditions considered in evaluation

''(a) DISPOSITION.—Except as provided in subsection (c), the Secretary of the military department concerned may not authorize the involuntary administrative separation of a member described in subsection (b) based on a determination that the member is unsuitable for deployment or worldwide assignment based on the same medical condition of the member considered by a Physical Evaluation Board during the evaluation of the member.

''(b) COVERED MEMBERS.—A member covered by subsection (a) is any member of the armed forces who has been determined by a Physical Evaluation Board pursuant to a physical evaluation by the board to be fit for duty.

''(c) REEVALUATION.—(1) The Secretary of the military department concerned may direct the Physical Evaluation Board to reevaluate any member described in subsection (b) if the Secretary has reason to believe that a medical condition of the member considered by the Physical Evaluation Board during the evaluation of the member described in that subsection renders the member unsuitable for continued military service based on the medical condition.

''(2) A member determined pursuant to reevaluation under paragraph (1) to be unfit to perform the duties of the member's office, grade, rank, or rating may be retired or separated for physical disability under this chapter.

''(3) The Secretary of Defense shall be the final approval authority for any case determined by the Secretary of a military department to warrant administrative separation based on a determination that the member is unsuitable for continued service due to the same medical condition of the member considered by a Physical Evaluation Board that found the member fit for duty.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1214 the following new item:

''1214a. Members determined fit for duty in Physical Evaluation Board evaluation: prohibition on involuntary administrative separation due to unsuitability based on medical conditions considered in evaluation.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to members evaluated for fitness for duty by Physical Evaluation Boards on or after that date.

SEC. 535. REVIEW OF LAWS, POLICIES, AND REGULATIONS RESTRICTING SERVICE OF FEMALE MEMBERS OF THE ARMED FORCES.

(a) REVIEW REQUIRED.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall conduct a review of laws, policies, and regulations, including the collocation policy, that may restrict the service of female members of the Armed Forces to determine whether changes in such laws, policies, and regulations are needed to ensure that female members have an equitable opportunity to compete and excel in the Armed Forces.

(b) SUBMISSION OF RESULTS.—Not later than April 15, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the review.

Subtitle E—Military Justice and Legal Matters

SEC. 541. CONTINUATION OF WARRANT OFFICERS ON ACTIVE DUTY TO COMPLETE DISCIPLINARY ACTION.

Section 580 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) A warrant officer subject to discharge or retirement under this section, but against whom any action has been commenced with a view to trying the officer by court-martial, may be continued on active duty, without prejudice to such action, until the completion of such action.''.

SEC. 542. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN MILITARY JUSTICE PROCEEDINGS.

(a) IN GENERAL.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), is amended to read as follows:

''§ 848. Art. 48. Contempts

''(a) AUTHORITY TO PUNISH CONTEMPT.—A judge detailed to a court-martial, a court of inquiry, the United States Court of Appeals for the Armed Forces, a military Court of Criminal Appeals, a provost court, or a military commission may punish for contempt any person who—

''(1) uses any menacing word, sign, or gesture in the presence of the judge during the proceedings of the court-martial, court, or military commission;

''(2) disturbs the proceedings of the court-martial, court, or military commission by any riot or disorder; or

''(3) willfully disobeys the lawful writ, process, order, rule, decree, or command of the court-martial, court, or military commission.

''(b) PUNISHMENT.—The punishment for contempt under subsection (a) may not exceed confinement for 30 days, a fine of $1,000, or both.

''(c) INAPPLICABILITY TO MILITARY COMMISSIONS UNDER CHAPTER 47A.—This section does not apply to a military commission established under chapter 47A of this title.''.

(b) EFFECTIVE DATE.—Section 848 of title 10, United States Code (article 48 of the Uniform Code of Military Justice), as amended by subsection (a), shall apply with respect to acts of contempt committed after the date of the enactment of this Act.

SEC. 543. IMPROVEMENTS TO DEPARTMENT OF DEFENSE DOMESTIC VIOLENCE PROGRAMS.

(a) IMPLEMENTATION OF OUTSTANDING COMPTROLLER GENERAL RECOMMENDATIONS.—Consistent with the 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 Secretary of Defense shall complete, not later than one year after the date of enactment of this Act, implementation of actions to address the following recommendations:

(1) DEFENSE INCIDENT-BASED REPORTING SYSTEM.—The Secretary of Defense shall develop a comprehensive management plan to address deficiencies in the data captured in the Defense Incident-Based Reporting System to ensure the system can provide an accurate count of domestic violence incidents, and any consequent disciplinary action, that are reported throughout the Department of Defense.

(2) ADEQUATE PERSONNEL.—The Secretary of Defense shall develop a plan to ensure that adequate personnel are available to implement recommendations made by the Defense Task Force on Domestic Violence.

(3) DOMESTIC VIOLENCE TRAINING DATA FOR CHAPLAINS.—The Secretary of Defense shall develop a plan to collect domestic violence training data for chaplains.

(4) OVERSIGHT FRAMEWORK.—The Secretary of Defense shall develop an oversight framework for Department of Defense domestic violence programs, to include oversight of implementation of recommendations made by the Defense Task Force on Domestic Violence, including budgeting, communication initiatives, and policy compliance.

(b) IMPLEMENTATION REPORT.—The Secretary of Defense shall submit to the congressional defense committees an implementation report within 90 days of the completion of actions outlined in subsection (a).

Subtitle F—Member Education and Training Opportunities and Administration

SEC. 551. ENHANCEMENTS OF DEPARTMENT OF DEFENSE UNDERGRADUATE NURSE TRAINING PROGRAM.

(a) CLARIFICATION OF DEGREE COVERED BY PROGRAM.—Subsection (a) of section 2016 of title 10, United States Code, is amended by striking ''a nursing degree'' and inserting ''a bachelor of science degree in nursing''.

(b) GRADUATION RATES OF TRAINING PROGRAMS.—Subsection (b) of such section is amended by inserting ''in nursing'' after ''bachelor of science degree''.

(c) LOCATION OF PROGRAMS.—Subsection (d) of such section is amended to read as follows:

''(d) LOCATION OF PROGRAMS.—(1) An academic institution selected to operate an undergraduate nurse training program shall establish the program at or near a military installation that has a military treatment facility designated as a medical center with inpatient capability and multiple graduate medical education programs located on the installation or within reasonable proximity to the installation.

''(2) Before approving a location as the site of an undergraduate nurse training program, the Secretary of Defense shall conduct an assessment to ensure that the establishment of the program at that location will not adversely impact or displace existing nurse training programs, either conducted by the Department of Defense or by a civilian entity, at the location.''.

(d) PILOT PROGRAM.—

(1) IMPLEMENTATION.—Paragraph (2) of section 525(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2287; 10 U.S.C. 2016 note) is amended by striking ''July 1, 2011'' and inserting ''December 31, 2011''.

(2) GRADUATION RATES.—Paragraph (3) of such section is amended—

(A) by striking the ''The pilot program shall achieve'' and inserting ''The goal of the pilot program is to achieve''; and

(B) by striking ''nurse training program'' and inserting ''nurse training programs''.

SEC. 552. REPAYMENT OF EDUCATION LOAN REPAYMENT BENEFITS.

(a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES.—Section 2171 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(g) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 16301 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

''(h) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.''.

(b) MEMBERS OF SELECTED RESERVE.—Section 16301 of such title is amended by adding at the end the following new subsections:

''(h) Except a person described in subsection (e) who transfers to service making the person eligible for repayment of loans under section 2171 of this title, a member of the armed forces who fails to complete the period of service required to qualify for loan repayment under this section shall be subject to the repayment provisions of section 303a(e) of title 37.

''(i) The Secretary of Defense may prescribe, by regulations, procedures for implementing this section, including standards for qualified loans and authorized payees and other terms and conditions for making loan repayments. Such regulations may include exceptions that would allow for the payment as a lump sum of any loan repayment due to a member under a written agreement that existed at the time of a member's death or disability.''.

SEC. 553. PARTICIPATION OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM RECIPIENTS IN ACTIVE DUTY HEALTH PROFESSION LOAN REPAYMENT PROGRAM.

Section 2173(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The person is enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of this title for a number of years less than is required to complete the normal length of the course of study required for the health profession concerned.''.

SEC. 554. ACTIVE DUTY OBLIGATION FOR MILITARY ACADEMY GRADUATES WHO PARTICIPATE IN THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) MILITARY ACADEMY GRADUATES.—Section 4348(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any

unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in such program.''.

(b) NAVAL ACADEMY GRADUATES.—Section 6959(a) of such title is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the midshipman participates in a program under section 2121 of this title, the midshipman will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in such program.''.

(c) AIR FORCE ACADEMY GRADUATES.—Section 9348(a) of such title is amended by adding at the end the following new paragraph:

''(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in such program.''.

Subtitle G—Defense Dependents' Education

SEC. 561. ENROLLMENT OF DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO RESIDE IN TEMPORARY HOUSING IN DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) Under the circumstances described in subparagraph (B), the Secretary may, at the discretion of the Secretary, permit a dependent of a member of the armed forces to enroll in an educational program provided by the Secretary pursuant to this subsection without regard to the requirement in paragraph (1) with respect to residence on a military installation.

''(B) Subparagraph (A) applies only if—

''(i) the dependents reside in temporary housing (regardless of whether the temporary housing is on Federal property)—

''(I) because of the unavailability of adequate permanent living quarters on the military installation to which the member is assigned; or

''(II) while the member is wounded, ill, or injured; and

''(ii) the Secretary determines that the circumstances of such living arrangements justify extending the enrollment authority to include the dependents.''.

SEC. 562. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 563. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2011 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

Subtitle H—Decorations and Awards

SEC. 571. CLARIFICATION OF PERSONS ELIGIBLE FOR AWARD OF BRONZE STAR MEDAL.

(a) LIMITATION ON ELIGIBLE PERSONS.—Section 1133 of title 10, United States Code, is amended to read as follows:

''§ 1133. Bronze Star: limitation on persons eligible to receive

''The decoration known as the 'Bronze Star' may only be awarded to a member of a military force who—

''(1) at the time of the events for which the decoration is to be awarded, was serving in a geographic area in which special pay is authorized under section 310 or paragraph (1) or (3) of section 351(a) of title 37; or

''(2) receives special pay under section 310 or paragraph (1) or (3) of section 351(a) of title 37 as a result of those events.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of such title is amended by striking the item relating to section 1133 and inserting the following new item:

''1133. Bronze Star: limitation on persons eligible to receive.''.

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) applies to the award of the Bronze Star after October 30, 2000.

SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO SHINYEI MATAYOSHI FOR ACTS OF VALOR DURING WORLD WAR II.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of that title to Shinyei Matayoshi for the acts of valor referred to in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Tech Sergeant Shinyei Matayoshi on April 7, 1945, as a member of Company G, 2d Battalion, 442d Regimental Combat Team during World War II.

SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JAY C. COPLEY FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain Jay C. Copley of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Captain Jay C. Copley on May 5, 1968, as commander of Company C of the 1st Battalion, 50th Infantry, attached to the 173d Airborne Brigade during an engagement with a regimental-size enemy force in Bin Dinh Province, South Vietnam.

SEC. 574. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF THE KOREAN WAR.

(a) COMMEMORATIVE PROGRAM AUTHORIZED.—The Secretary of Defense may establish and conduct a program to commemorate the 60th anniversary of the Korean War (in this section referred to as the ''commemorative program''). In conducting the commemorative program, the Secretary of Defense shall coordinate and support other programs and activities of the Federal Government, State and local governments, and other persons and organizations in commemoration of the Korean War.

(b) SCHEDULE.—If the Secretary of Defense establishes the commemorative program, the Secretary shall determine the schedule of major events and priority of efforts for the commemorative program to achieve the commemorative objectives specified in subsection (c). The Secretary of Defense may establish a committee to assist the Secretary in determining the schedule and conducting the commemorative program.

(c) COMMEMORATIVE ACTIVITIES AND OBJECTIVES.—The commemorative program may include activities and ceremonies to achieve the following objectives:

(1) To thank and honor veterans of the Korean War, including members of the Armed Forces who were held as prisoners of war or listed as missing in action, for their service and sacrifice on behalf of the United States.

(2) To thank and honor the families of veterans of the Korean War for their sacrifices and contributions, especially families who lost a loved one in the Korean War.

(3) To highlight the service of the Armed Forces during the Korean War and the contributions of Federal agencies and governmental and non-governmental organizations that served with, or in support of, the Armed Forces.

(4) To pay tribute to the sacrifices and contributions made on the home front by the people of the United States during the Korean War.

(5) To provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War.

(6) To highlight the advances in technology, science, and medicine related to military research conducted during the Korean War.

(7) To recognize the contributions and sacrifices made by the allies of the United States during the Korean War.

(d) USE OF THE UNITED STATES OF AMERICA KOREAN WAR COMMEMORATION AND SYMBOLS.—Subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918), as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2134) and section 1052 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 764), shall apply to the commemorative program.

(e) COMMEMORATIVE FUND.—

(1) ESTABLISHMENT OF NEW ACCOUNT.—If the Secretary of Defense establishes the commemorative program, the Secretary the Treasury shall establish in the Treasury of the United States an account to be known as the ''Department of Defense Korean War Commemoration Fund'' (in this section referred to as the ''Fund'').

(2) ADMINISTRATION AND USE OF FUND.—The Fund shall be available to, and administered by, the Secretary of Defense. The Secretary of Defense shall use the assets of the Fund only for the purpose of conducting the commemorative program and shall prescribe such regulations regarding the use of the Fund as the Secretary of Defense considers to be necessary.

(3) DEPOSITS.—There shall be deposited into the Fund the following:

(A) Amounts appropriated to the Fund.

(B) Proceeds derived from the use by the Secretary of Defense of the exclusive rights described in subsection (c) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1918).

(C) Donations made in support of the commemorative program by private and corporate donors.

(4) AVAILABILITY.—Subject to paragraph (5), amounts in the Fund shall remain available until expended.

(5) TREATMENT OF UNOBLIGATED FUNDS; TRANSFER.—If unobligated amounts remain in the Fund as of September 30, 2013, the Secretary of the Treasury shall transfer the remaining amounts to the Department of Defense Vietnam War Commemorative Fund established pursuant to section 598(e) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 113 note). The transferred amounts shall be merged with, and available for the same purposes as, other amounts in the Department of Defense Vietnam War Commemorative Fund.

(f) ACCEPTANCE OF VOLUNTARY SERVICES.—

(1) AUTHORITY TO ACCEPT SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the commemorative program. The Secretary of Defense shall prohibit the solicitation of any voluntary services if the nature or circumstances of such solicitation would compromise the integrity or the appearance of integrity of any program of the Department of Defense or of any individual involved in the program.

(2) COMPENSATION FOR WORK-RELATED INJURY.—A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. The person shall also be considered a special governmental employee for purposes of standards of conduct and sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code. A person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of voluntary services under this subsection.

(3) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Secretary of Defense may provide for reimbursement of incidental expenses incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

(g) REPORT REQUIRED.—If the Secretary of Defense conducts the commemorative program, the Inspector General of the Department of Defense shall submit to Congress, not later than 60 days after the end of the commemorative program, a report containing an accounting of—

(1) all of the funds deposited into and expended from the Fund;

(2) any other funds expended under this section; and

(3) any unobligated funds remaining in the Fund as of September 30, 2013, that are transferred to the Department of Defense Vietnam War Commemorative Fund pursuant to subsection (e)(5).

(h) LIMITATION ON EXPENDITURES.—Using amounts appropriated to the Department of Defense, the Secretary of Defense may not expend more than $5,000,000 to carry out the commemorative program.

Subtitle I—Military Family Readiness Matters

SEC. 581. APPOINTMENT OF ADDITIONAL MEMBERS OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) INCLUSION OF SPOUSE OF GENERAL OR FLAG OFFICER.—Subsection (b) of section 1781a of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

''(E) The spouse of a general or flag officer.''; and

(2) in paragraph (2), by striking ''subparagraphs (C) and (D)'' and inserting ''subparagraphs (C), (D), and (E)''.

(b) INCLUSION OF DIRECTOR OF OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—Subsection (b)(1) of such section is further amended by adding at the end the following new subparagraph:

''(G) The Director of the Office of Community Support for Military Families With Special Needs.''.

(c) CLARIFICATION OF APPOINTMENT OPTIONS FOR EXISTING MEMBER.—Subparagraph (F) of subsection (b)(1) of such section, as redesignated by subsection (a)(1)(A), is amended to read as follows:

''(F) In addition to the representatives appointed under subparagraphs (B) and (C), the senior enlisted advisor, or the spouse of a senior enlisted member, from each of the Army, Navy, Marine Corps, and Air Force.''.

(d) APPOINTMENT BY SECRETARY OF DEFENSE.—Subsection (b) of such section is further amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking '', who shall be appointed by the Secretary of Defense'';

(B) in subparagraph (C), by striking '', who shall be appointed by the Secretary of Defense'' both places it appears; and

(C) in subparagraph (D), by striking ''by the Secretary of Defense''; and

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

''(3) The Secretary of Defense shall appoint the members of the Council required by subparagraphs (B) through (F) of paragraph (1).''.

SEC. 582. ENHANCEMENT OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) DIRECTOR OF THE OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—Subsection (c) of section 1781c of title 10, United States Code, is amended to read as follows:

''(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be a member of the Senior Executive Service or a general officer or flag officer.

''(2) In the discharge of the responsibilities of the Office, the Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness.''.

(b) ADDITIONAL RESPONSIBILITY FOR OFFICE.—Subsection (d) of such section is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) To conduct periodic reviews of best practices in the United States in the provision of medical and educational services for children with special needs.''.

(c) ENHANCEMENT OF SUPPORT.—Section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2304) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

''(c) MILITARY DEPARTMENT SUPPORT FOR LOCAL CENTERS TO ASSIST MILITARY CHILDREN WITH SPECIAL NEEDS.—The Secretary of a military department may establish or support centers on or in the vicinity of military installations under the jurisdiction of such Secretary to coordinate and provide medical and educational services for children with special needs of members of the Armed Forces who are assigned to such installations.

''(d) ADVISORY PANEL ON COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

''(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Defense shall establish an advisory panel on community support for military families with special needs.

''(2) MEMBERS.—The advisory panel shall consist of seven individuals who are a member of a military family with special needs. The Secretary of Defense shall appoint the members of the advisory panel.

''(3) DUTIES.—The advisory panel shall—

''(A) provide informed advice to the Director of the Office of Community Support for Military Families With Special Needs on the implementation of the policy required by subsection (e) of section 1781c of title 10, United States Code, and on the discharge of the programs required by subsection (f) of such section;

''(B) assess and provide information to the Director on services and support for children with special needs that is available from other departments and agencies of the Federal Government and from State and local governments; and

''(C) otherwise advise and assist the Director in the discharge of the duties of the Office of Community Support for Military Families With Special Needs in such manner as the Secretary of Defense and the Director jointly determine appropriate.

''(4) MEETINGS.—The Director shall meet with the advisory panel at such times, and with such frequency, as the Director considers appropriate. The Director shall meet with the panel at least once each year. The Director may meet with the panel through teleconferencing or by other electronic means.''.

SEC. 583. MODIFICATION OF YELLOW RIBBON REINTEGRATION PROGRAM.

(a) OFFICE FOR REINTEGRATION PROGRAMS.—Subsection (d)(1) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) by striking ''The Under'' and inserting the following:

''(A) IN GENERAL.—The Under''; and

(2) in the last sentence—

(A) by striking ''The office may also'' and inserting the following:

''(B) PARTNERSHIPS AND ACCESS.—The office may'';

(B) by inserting ''and the Department of Veterans Affairs'' after ''Administration''; and

(C) by adding at the end the following new sentence: ''Service and State-based programs may provide access to curriculum, training, and support for services to members and families from all components.''.

(b) CENTER FOR EXCELLENCE IN REINTEGRATION.—Subsection (d)(2) of such section is amended by adding at the end the following new sentence: ''The Center shall develop and implement a process for evaluating the effectiveness of the Yellow Ribbon Reintegration Program in supporting the health and well-being of members of the Armed Forces and their families throughout the deployment cycle described in subsection (g).''.

(c) STATE DEPLOYMENT CYCLE SUPPORT TEAMS.—Subsection (f)(3) of such section is amended by inserting ''and community-based organizations'' after ''service providers''.

(d) OPERATION OF PROGRAM DURING DEPLOYMENT AND POST-DEPLOYMENT-RECONSTITUTION PHASES.—Subsection (g) of such section is amended—

(1) in paragraph (3), by inserting ''and to decrease the isolation of families during deployment'' after ''combat zone''; and

(2) in paragraph (5)(A), by inserting '', providing information on employment opportunities,'' after ''communities''.

(e) ADDITIONAL OUTREACH SERVICE.—Subsection (h) of such section, as amended by section 595(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2338), is amended by adding at the end the following new paragraph:

''(15) Resiliency training to promote comprehensive programs for members of the Armed Forces to build mental and emotional resiliency for successfully meeting the demands of the deployment cycle.''.

SEC. 584. EXPANSION AND CONTINUATION OF JOINT FAMILY SUPPORT ASSISTANCE PROGRAM.

Section 675 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 119 Stat. 2273; 10 U.S.C. 1781 note) is amended—

(1) in subsection (b)—

(A) by striking ''not more than'' and inserting ''not less than''; and

(B) by striking ''Up to'' and inserting ''At least''; and

(2) in subsection (h), by striking ''at the end of the three-year period beginning on the date on which funds are first obligated for the program'' and inserting ''on December 31, 2012''.

SEC. 585. REPORT ON MILITARY SPOUSE EDUCATION PROGRAMS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall carry out a review of all education programs of the Department of Defense and Department of Veterans Affairs designed to support spouses of members of the Armed Forces.

(b) ELEMENTS OF REVIEW.—At a minimum, the review shall evaluate the following:

(1) All education programs of the Department of Defense and Department of Veterans Affairs that are in place to advance educational opportunities for military spouses.

(2) The efficacy and effectiveness of such education programs.

(3) The extent to which the availability of educational opportunities for military spouses influences the decisions of members to remain in the Armed Forces.

(4) A comparison of the costs associated with providing military spouse education opportunities as an incentive to retain members rather than recruiting or training new members.

(c) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the results of the review; and

(2) such recommendations as the Secretary considers necessary for improving military spouse education programs.

(d) CONSULTATION.—In conducting the review and preparing the report, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding education programs of Department of Veterans Affairs assisting spouses of members of the Armed Forces.

SEC. 586. REPORT ON ENHANCING BENEFITS AVAILABLE FOR MILITARY DEPENDENT CHILDREN WITH SPECIAL EDUCATION NEEDS.

(a) REPORT REQUIRED.—Not later than September 30, 2011, the Secretary of the Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the needs of military families with children with special education needs and evaluating options to enhance the benefits available to such families and children under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in meeting such needs.

(b) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of Education.

(c) ELEMENTS.—In preparing the report, the Secretary of Defense shall—

(1) identify and assess obstacles faced by military families with children with special education needs in obtaining a free appropriate public education to address such needs;

(2) identify and assess evidence-based research and best practices for providing special education and related services (as those terms are defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) for military children with special education needs;

(3) assess timeliness in obtaining special education and related services described in paragraph (2);

(4) determine and document the cost associated with obtaining special education and related services described in paragraph (2);

(5) assess the feasibility of establishing an individualized education program for military children with special education needs that is applicable across jurisdictions of local educational agencies in order to achieve reciprocity among States in acknowledging such programs;

(6) identify means of improving oversight and compliance with the requirements of section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) relating to a local educational agency supporting an existing individualized education program for a child with special education needs who is relocating to another State pursuant to the permanent change of station of a military parent until an individualized education program is developed and approved for such child in the State to which the child relocates;

(7) assess the feasibility of establishing an expedited process for resolution of complaints by military parents with a child with special education needs about lack of access to education and related services otherwise specified in the individualized education program of the child;

(8) assess the feasibility of permitting the Department of Defense to contact the State to which a military family with a child with special education needs will relocate pursuant to a permanent change of station when the orders for such change of station are issued, but before the family takes residence in such State, for the purpose of commencing preparation for education and related services specified in the individualized education program of the child;

(9) assess the feasibility of establishing a system within the Department of Defense to document complaints by military parents regarding access to free and appropriate public education for their children with special education needs;

(10) identify means to strengthen the monitoring and oversight of special education and related services for military children with special education needs under the Interstate Compact on Educational Opportunities for Military Children; and

(11) consider such other matters as the Secretary of Defense and the Secretary of Education jointly consider appropriate.

SEC. 587. REPORTS ON CHILD DEVELOPMENT CENTERS AND FINANCIAL ASSISTANCE FOR CHILD CARE FOR MEMBERS OF THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act, and every two years thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on Department of Defense child development centers and financial assistance for child care provided by the Department of Defense off-installation to members of the Armed Forces.

(b) ELEMENTS.—Each report required by subsection (a) shall include the following, current as of the date of such report:

(1) The number of child development centers currently located on military installations.

(2) The number of dependents of members of the Armed Forces utilizing such child development centers.

(3) The number of dependents of members of the Armed Forces that are unable to utilize such child development centers due to capacity limitations.

(4) The types of financial assistance available for child care provided by the Department of Defense off-installation to members of the Armed Forces (including eligible members of the reserve components).

(5) The extent to which members of the Armed Forces are utilizing such financial assistance for child care off-installation.

(6) The methods by which the Department of Defense reaches out to eligible military families to increase awareness of the availability of such financial assistance.

(7) The formulas used to calculate the amount of such financial assistance provided to members of the Armed Forces.

(8) The funding available for such financial assistance in the Department of Defense and in the military departments.

(9) The barriers to access, if any, to such financial assistance faced by members of the Armed Forces, including whether standards and criteria of the Department of Defense for child care off-installation may affect access to child care.

(10) Any other matters the Secretary considers appropriate in connection with such report, including with respect to the enhancement of access to Department of Defense child care development centers and financial assistance for child care off-installation for members of the Armed Forces.

Subtitle J—Other Matters

SEC. 591. 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.

(a) CODIFICATION AND EXPANSION OF EXISTING AUTHORITY TO COVER ADDITIONAL MEMBERS AND EMPLOYEES.—Chapter 155 of title

10, United States Code, is amended by inserting after section 2601 the following new section:

''§ 2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families

''(a) REGULATIONS GOVERNING ACCEPTANCE OF GIFTS.—(1) The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall issue regulations to provide that, subject to such limitations as may be specified in such regulations, the following individuals may accept gifts from nonprofit organizations, private parties, and other sources outside the Department of Defense or the Department of Homeland Security:

''(A) A member of the armed forces described in subsection (b).

''(B) A civilian employee of the Department of Defense or Coast Guard described in subsection (c).

''(C) The family members of such a member or employee.

''(D) Survivors of such a member or employee who is killed.

''(2) The regulations required by this subsection shall—

''(A) apply uniformly to all elements of the Department of Defense and, to the maximum extent feasible, to the Coast Guard; and

''(B) 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.

''(b) COVERED MEMBERS.—This section applies to a member of the armed forces who, while performing active duty, full-time National Guard duty, or inactive-duty training on or after September 11, 2001, incurred an injury or illness—

''(1) as described in section 1413a(e)(2) of this title; or

''(2) under other circumstances determined by the Secretary concerned to warrant treatment analogous to members covered by paragraph (1).

''(c) COVERED EMPLOYEES.—This section applies to a civilian employee of the Department of Defense or Coast Guard who, while an employee on or after September 11, 2001, incurred an injury or illness under a circumstance described in paragraph (1) or (2) of subsection (c).

''(d) GIFTS FROM CERTAIN SOURCES PROHIBITED.—The regulations issued under subsection (a) may not authorize the acceptance of a gift from a foreign government or international organization or their agents.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2601 the following new item:

''2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.''.

SEC. 592. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking ''20 full-time student positions'' and inserting ''35 full-time student positions''.

SEC. 593. ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO ATTEND UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

(a) ADMISSION AUTHORITY.—Chapter 901 of title 10, United States Code, is amended by inserting after section 9314 the following new section:

''§ 9314a. United States Air Force Institute of Technology: admission of defense industry civilians

''(a) ADMISSION AUTHORIZED.—(1) The Secretary of the Air Force may permit defense industry employees described in subsection (b) to receive instruction at the United States Air Force Institute of Technology in accordance with this section. Any such defense industry employee may be enrolled in, and may be provided instruction in, a program leading to a graduate degree in a defense focused curriculum related to aeronautics and astronautics, electrical and computer engineering, engineering physics, mathematics and statistics, operational sciences, or systems and engineering management.

''(2) No more than 125 defense industry employees may be enrolled at the United States Air Force Institute of Technology at any one time under the authority of paragraph (1).

''(3) Upon successful completion of the course of instruction at the United States Air Force Institute of Technology in which a defense industry employee is enrolled, the defense industry employee may be awarded an appropriate degree under section 9314 of this title.

''(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long at that person remains employed by the same firm.

''(c) ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.—Defense industry employees may receive instruction at the United States Air Force Institute of Technology during any academic year only if, before the start of that academic year, the Secretary of the Air Force, or the designee of the Secretary, determines that providing instruction to defense industry employees under this section during that year—

''(1) will further the military mission of the United States Air Force Institute of Technology; and

''(2) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

''(d) PROGRAM REQUIREMENTS.—The Secretary of the Air Force shall ensure that—

''(1) the curriculum in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on the areas of focus specified in subsection (a)(1) that are conducted by military organizations and defense contractors working in close cooperation; and

''(2) the course offerings at the United States Air Force Institute of Technology continue to be determined solely by the needs of the Department of Defense.

''(e) TUITION.—(1) The United States Air Force Institute of Technology shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Air Force.

''(2) Amounts received by the United States Air Force Institute of Technology for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.

''(f) STANDARDS OF CONDUCT.—While receiving instruction at the United States Air Force Institute of Technology, defense industry employees enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9314 the following new item:

''9314a. United States Air Force Institute of Technology: admission of defense industry civilians.''.

SEC. 594. UPDATED TERMINOLOGY FOR ARMY MEDICAL SERVICE CORPS.

Paragraph (5) of section 3068 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''Pharmacy, Supply, and Administration'' and inserting ''Administrative Health Services'';

(2) in subparagraph (C), by striking ''Sanitary Engineering'' and inserting ''Preventive Medicine Sciences''; and

(3) in subparagraph (D), by striking ''Optometry'' and inserting ''Clinical Health Sciences''.

SEC. 595. DATE FOR SUBMISSION OF ANNUAL REPORT ON DEPARTMENT OF DEFENSE STARBASE PROGRAM.

Section 2193b(g) of title 10, United States Code, is amended by striking ''90 days after the end of each fiscal year'' and inserting ''March 31 of each year''.

SEC. 596. EXTENSION OF DEADLINE FOR SUBMISSION OF FINAL REPORT OF MILITARY LEADERSHIP DIVERSITY COMMISSION.

Section 596(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4478) is amended by striking ''12 months'' and inserting ''18 months''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Ineligibility of certain Federal civilian employees for Reservist income replacement payments on account of availability of comparable benefits under another program.

Subtitle B—Bonuses and Special and Incentive Pays

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

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

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

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

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

Sec. 616. One-year extension of authorities relating to payment of referral bonuses.

Subtitle C—Travel and Transportation Allowances

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

Sec. 622. Travel and transportation allowances for attendance at Yellow Ribbon Reintegration events.

Subtitle D—Disability, Retired Pay and Survivor Benefits

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

Sec. 632. Payment date for retired and retainer pay.

Sec. 633. 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. 634. 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. 635. Sense of Congress concerning age and service requirements for retired pay for non-regular service.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 641. 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. 642. Feasibility study on establishment of full exchange store in the Northern Mariana Islands.

Sec. 643. Continuation of commissary and exchange operations at Brunswick Naval Air Station, Maine.

Subtitle F—Other Matters

Sec. 651. Report on basic allowance for housing for personnel assigned to sea duty.

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

Subtitle A—Pay and Allowances

SEC. 601. INELIGIBILITY OF CERTAIN FEDERAL CIVILIAN EMPLOYEES FOR RESERVIST INCOME REPLACEMENT PAYMENTS ON ACCOUNT OF AVAILABILITY OF COMPARABLE BENEFITS UNDER ANOTHER PROGRAM.

(a) INELIGIBILITY FOR PAYMENTS.—Section 910(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(3) A civilian employee of the Federal Government who is also a member of a reserve component is not entitled to a payment under this section for any period for which the employee is entitled to—

''(A) a differential payment under section 5538 of title 5; or

''(B) a comparable benefit under an administratively established program for civilian employees absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services.''.

(b) EFFECTIVE DATE.—Subsection (b)(3) of section 910 of title 37, United States Code, as added by subsection (a), shall apply with respect to payments under such section for months beginning on or after the date of the enactment of this Act.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking ''December 31, 2010'' and inserting ''December 31, 2011'':

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

Subtitle C—Travel and Transportation Allowances

SEC. 621. EXTENSION OF AUTHORITY TO PROVIDE TRAVEL AND TRANSPORTATION ALLOWANCES FOR INACTIVE DUTY TRAINING OUTSIDE OF NORMAL COMMUTING DISTANCES.

Section 408a(e) of title 37, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 622. TRAVEL AND TRANSPORTATION ALLOWANCES FOR ATTENDANCE AT YELLOW RIBBON REINTEGRATION EVENTS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411k the following new section:

''§ 411l. Travel and transportation allowances: attendance of members and other persons at Yellow Ribbon Reintegration Program events

''(a) ALLOWANCES AUTHORIZED.—(1) Under uniform regulations prescribed by the Secretaries concerned, a member of the uniformed services authorized to attend a Yellow Ribbon Reintegration Program event may be provided travel and transportation allowances in order that the member may attend a Yellow Ribbon Reintegration Program event.

''(2) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation allowances may be provided

for a person designated pursuant to subsection (b) in order for the person to accompany a member in attending a Yellow Ribbon Reintegration Program event if the Secretary concerned determines that the presence of the person at the event may contribute to the purposes of the event for the member.

''(b) DESIGNATION OF PERSONS ELIGIBLE FOR ALLOWANCE.—A member of the uniformed services who is eligible to attend a Yellow Ribbon Reintegration Program event may designate one or more persons, including another member of the uniformed services, for purposes of receiving travel and transportation allowances described in subsection (c) to attend a Yellow Ribbon Reintegration Program event. The designation of a person for purposes of this section shall be made in writing and may be changed at any time.

''(c) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home or place of business of the authorized person and the location of the Yellow Ribbon Reintegration Program event.

''(2) In addition to transportation under paragraph (1), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

''(3) The transportation authorized by paragraph (1) may be provided by any of the following means:

''(A) Transportation in-kind.

''(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

''(C) Reimbursement for the commercial cost of transportation.

''(4) An allowance payable under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.

''(d) YELLOW RIBBON REINTEGRATION PROGRAM EVENT DEFINED.—In this section, the term 'Yellow Ribbon Reintegration Program event' means an event authorized under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411k the following new item:

''411l. Travel and transportation allowances: attendance of members and other persons at Yellow Ribbon Reintegration Program events.''.

(b) APPLICABILITY.—No reimbursement may be provided under section 411l of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before September 30, 2010.

Subtitle D—Disability, Retired Pay and Survivor Benefits

SEC. 631. ELIMINATION OF CAP ON RETIRED PAY MULTIPLIER FOR MEMBERS WITH GREATER THAN 30 YEARS OF SERVICE WHO RETIRE FOR DISABILITY.

(a) COMPUTATION OF RETIRED PAY.—The table in section 1401(a) of title 10, United States Code, is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75%,'' after ''percentage of disability'' both places it appears; and

(2) by striking column 4.

(b) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS BEFORE SEPTEMBER 8, 1980.—The table in section 1402(d) of such title is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75%,'' after ''percentage of disability''; and

(2) by striking column 4.

(c) RECOMPUTATION OF RETIRED OR RETAINER PAY TO REFLECT LATER ACTIVE DUTY OF MEMBERS WHO FIRST BECAME MEMBERS AFTER SEPTEMBER 7, 1980.—The table in section 1402a(d) of such title is amended—

(1) in the column designated ''Column 2'', by inserting '', not to exceed 75 percent,'' after ''percentage of disability''; and

(2) by striking column 4.

(d) APPLICATION OF AMENDMENTS.—The tables in sections 1401(a), 1402(d), and 1402a(d) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply to the computation or recomputation of retired or retainer pay for persons who first became entitled to retired or retainer pay under subtitle A of such title on or before the date of the enactment of this Act. The amendments made by this section shall apply only with respect to persons who first become entitled to retired or retainer pay under such subtitle after that date.

SEC. 632. PAYMENT DATE FOR RETIRED AND RETAINER PAY.

(a) SETTING PAYMENT DATE.—Section 1412 of title 10, United States Code, is amended—

(1) by striking ''Amounts'' and inserting ''(a) ROUNDING.—Amounts''; and

(2) by adding at the end the following new subsection:

''(b) PAYMENT DATE.—Amounts of retired pay and retainer pay due a retired member of the uniformed services shall be paid on the first day of each month beginning after the month in which the right to such pay accrues.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1412. Administrative provisions''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item relating to section 1412 and inserting the following new item:

''1412. Administrative provisions.''.

(c) EFFECTIVE DATE.—Subsection (b) of section 1412 of title 10, United States Code, as added by subsection (a), shall apply beginning with the first month that begins more than 30 days after the date of the enactment of this Act.

SEC. 633. 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.

Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

''(iii) If a member described in subparagraph (A) is wounded or otherwise injured or becomes ill while serving on active duty pursuant to a call or order to active duty under a provision of law referred to in the first sentence of clause (i) or in clause (ii), and the member is then ordered to active duty under section 12301(h)(1) of this title to receive medical care for the wound, injury, or illness, each day of active duty under that order for medical care shall be treated as a continuation of the original call or order to active duty for purposes of reducing the eligibility age of the member under this paragraph.''.

SEC. 634. 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.

Subsection (c) of section 439 of title 37, United States Code, is amended to read as follows:

''(c) AMOUNT.—The amount of monthly special compensation payable to a member under subsection (a) shall be the amount as follows:

''(1) The monthly amount of aid and attendance payable under section 1114(r)(2) of title 38.

''(2) Upon the establishment by the Secretary of Veterans Affairs pursuant to subparagraph (C) of section 1720G(a)(3) of title 38 of the schedule of monthly personal caregiver stipends under the Department of Veterans Affairs program of comprehensive assistance for family caregivers under subparagraph (A)(ii)(V) of such section, the monthly personal caregiver stipend payable with respect to similarly circumstanced veterans under such schedule, rather than the amount specified in paragraph (1).''.

SEC. 635. SENSE OF CONGRESS CONCERNING AGE AND SERVICE REQUIREMENTS FOR RETIRED PAY FOR NON-REGULAR SERVICE.

It is the sense of Congress that—

(1) the amendments made to section 12731 of title 10, United States Code, by section 647 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 160) were intended to reduce the minimum age at which members of a reserve component of the Armed Forces would begin receiving retired pay according to time spent deployed, by three months for every 90-day period spent on active duty over the course of a career, rather than limiting qualifying time to such periods wholly served within the same fiscal year, as interpreted by the Department of Defense; and

(2) steps should be taken by the Department of Defense to implement the congressional intent outlined in paragraph (1).

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 641. 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.

Section 885 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 265; 10 U.S.C. 2304 note) is amended by adding at the end the following new subsection:

''(c) MORALE, WELFARE, AND RECREATION TELEPHONE SERVICES DEFINED.—In this section, the term 'morale, welfare, and recreation telephone services' means unofficial telephone calling center services supporting calling centers provided by the Army and Air Force Exchange Service, Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.''.

SEC. 642. FEASIBILITY STUDY ON ESTABLISHMENT OF FULL EXCHANGE STORE IN THE NORTHERN MARIANA ISLANDS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of a study to determine the feasibility of replacing the

''Shoppette'' of the Army and Air Force Exchange Service in the Northern Mariana Islands with a full-service exchange store.

SEC. 643. CONTINUATION OF COMMISSARY AND EXCHANGE OPERATIONS AT BRUNSWICK NAVAL AIR STATION, MAINE.

(a) CONTINUATION OF OPERATIONS.—The Secretary of Defense shall provide for the continuation of commissary and exchange operations at Brunswick Naval Air Station, Maine, until the later of the following:

(1) The closure of Brunswick Naval Air Station.

(2) The end of the 60-day period beginning on the date on which the Secretary of Defense makes the determination under subsection (b).

(b) REVIEW AND DETERMINATION.—Not earlier than 120 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review any report prepared by the Comptroller General of the United States relating to commissary and exchange operations at Brunswick Naval Air Station, Maine; and

(2) based on such review, make a determination regarding whether such operations should be continued.

Subtitle F—Other Matters

SEC. 651. REPORT ON BASIC ALLOWANCE FOR HOUSING FOR PERSONNEL ASSIGNED TO SEA DUTY.

(a) REPORT REQUIRED.—Not later than July 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(1) A review of the standards used to determine the monthly rates of basic allowance for housing for personnel assigned to sea duty (under section 403 of title 37, United States Code).

(2) A review of the legislative framework and policies applicable to eligibility and levels of compensation for single and married personnel, with and without dependents, who are assigned to sea duty.

(3) Any recommendation for modifications of title 37, United States Code, relating to basic allowance for housing for personnel who are assigned to sea duty that the Secretary considers appropriate, including an estimate of the cost of each modification.

(b) ELEMENTS OF REVIEWS.—In conducting the reviews for purposes of subsection (a), the Secretary shall consider whether existing law, policies, and housing standards are suitable in terms of the following:

(1) The cost and availability of housing ashore for personnel assigned to sea duty.

(2) The pay and allowances (other than basic allowance for housing) payable to personnel who are assigned to sea duty, including basic pay, career sea pay, and the family separation allowance.

(3) The comparability in levels of compensation for single and married personnel, with and without dependents, who are assigned to sea duty.

(4) The provision of appropriate quality of life and retention incentives for members in all grades who are assigned to sea duty.

(5) The provision of appropriate recognition and motivation for promotion to higher military grades of personnel who are assigned to sea duty.

(6) Budgetary constraints and rising personnel costs.

SEC. 652. REPORT ON SAVINGS FROM ENHANCED MANAGEMENT OF SPECIAL PAY FOR AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

(a) REPORT REQUIRED.—Not later than August 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report regarding the use and management of the special pay programs authorized in section 301b of title 37, United States Code, for aviation career officers extending a period of active duty.

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall include the following:

(1) A review of the programs operated by the Secretaries of the military departments, including—

(A) directives and guidelines issued by the Secretary of Defense;

(B) the number of aviation officers receiving the special pay, listed by weapon system;

(C) the weapon systems for which special pay is not authorized and the number of aviation officers affected by such exclusion;

(D) the policy and structure of the programs and the retention philosophy supporting the policy and structure of the programs;

(E) the amounts paid to individual aviation officers, annually and over the course of a career; and

(F) the amounts budgeted annually for such programs.

(2) An accounting of aviation officers receiving the special pay who have an active duty service commitment and the totals of aviation officers and allocated funding by types of active duty service commitment.

(3) A review of retention trends for aviation officers, generally and by weapon system, within the military departments and an assessment of the factors that influence retention trends, and the reliability and durability of those trends if such factors are altered.

(4) An assessment of the funds that can be saved by restructuring or eliminating such programs to reduce payments to aviation officers associated with those weapon systems with strong retention trends and aviation officers with active duty service commitments.

(5) A review of the demand for former military aviation officers to fulfill commercial airline hiring requirements, recent data regarding airline hiring of former military aviation officers, and an assessment of the methods used by airlines to qualify pilot candidates for employment as commercial pilots.

(6) Any recommendations for modifications of title 37, United States Code, relating to special pay for aviation career officers extending a period of active duty.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Extension of prohibition on increases in certain health care costs.
Sec. 702. Extension of dependent coverage under the TRICARE program.
Sec. 703. Survivor dental benefits.
Sec. 704. Aural screenings for members of the Armed Forces.
Sec. 705. Temporary prohibition on increase in copayments under retail pharmacy system of pharmacy benefits program.

Subtitle B—Health Care Administration

Sec. 711. Administration of TRICARE.
Sec. 712. Postdeployment health reassessments for purposes of the medical tracking system for members of the Armed Forces deployed overseas.
Sec. 713. 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. 714. Improvements to oversight of medical training for Medical Corps officers.
Sec. 715. Health information technology.
Sec. 716. Education and training on use of pharmaceuticals in rehabilitation programs for wounded warriors.

Subtitle C—Other Matters

Sec. 721. Repeal of report requirement on separations resulting from refusal to participate in anthrax vaccine immunization program.
Sec. 722. Comprehensive policy on consistent neurological cognitive assessments of members of the Armed Forces before and after deployment.
Sec. 723. Assessment of post-traumatic stress disorder by military occupation.
Sec. 724. Licensed mental health counselors and the TRICARE program.

Subtitle A—Improvements to Health Benefits

SEC. 701. EXTENSION OF PROHIBITION ON INCREASES IN CERTAIN HEALTH CARE COSTS.

(a) CHARGES UNDER CONTRACTS FOR MEDICAL CARE.—Section 1097(e) of title 10, United States Code, is amended by striking ''September 30, 2009'' and inserting ''September 30, 2011''.

(b) CHARGES FOR INPATIENT CARE.—Section 1086(b)(3) of such title is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 702. EXTENSION OF DEPENDENT COVERAGE UNDER THE TRICARE PROGRAM.

(a) DEPENDENT COVERAGE.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1110b. TRICARE program: extension of dependent coverage

''(a) IN GENERAL.—In accordance with subsection (c), an individual described in subsection (b) shall be deemed to be a dependent (as described in section 1072(2)(D) of this title) for purposes of coverage under the TRICARE program.

''(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

''(1) would be a dependent under section 1072(2) of this title but for exceeding an age limit under such section;

''(2) has not attained the age of 26;

''(3) is not eligible to enroll in an eligible employer-sponsored plan (as defined in section 5000A(f)(2) of the Internal Revenue Code of 1986);

''(4) is not otherwise a dependent of a member or a former member under any subparagraph of section 1072(2) of this title; and

''(5) meets other criteria specified in regulations prescribed by the Secretary, similar to regulations prescribed by the Secretary of Health and Human Services under section 2714(b) of the Public Health Service Act.

''(c) PREMIUM.—(1) The Secretary shall prescribe by regulation a premium (or premiums) for coverage under the TRICARE program provided pursuant to this section to an individual described in subsection (b).

''(2) The monthly amount of the premium in effect for a month for coverage under the TRICARE program pursuant to this section shall be the amount equal to the cost of such coverage that the Secretary determines on an appropriate actuarial basis.

''(3) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

''(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in

which collected, and shall be available under subsection (b) of such section for such fiscal year.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110a the following new item:

''1110b. TRICARE program: extension of dependent coverage.''.

(b) EFFECTIVE DATE AND REGULATIONS.—The amendments made by this section shall take effect on January 1, 2011. The Secretary of Defense shall prescribe an interim final rule with respect to such amendments, effective not later than January 1, 2011.

SEC. 703. SURVIVOR DENTAL BENEFITS.

Paragraph (2) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

''(2) Such term includes any such dependent of a member who dies—

''(A) while on active duty for a period of more than 30 days; or

''(B) while such member is a member of the Ready Reserve.''.

SEC. 704. AURAL SCREENINGS FOR MEMBERS OF THE ARMED FORCES.

(a) TINNITUS SCREENING.—

(1) STUDY REQUIRED.—Not later than September 30, 2011, the Secretary of Defense shall conduct a study to identify the best tests currently available to screen members of the Armed Forces for tinnitus.

(2) PLAN.—Not later than December 31, 2011, the Secretary shall develop a plan to ensure that all members of the Armed Forces are screened for tinnitus prior to and after a deployment to a combat zone.

(3) REPORT.—Not later than December 31, 2011, the Secretary shall submit to the congressional defense committees a report containing the results of the study under paragraph (1) and the plan under paragraph (2).

(b) IMPROVING AURAL PROTECTION FOR MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—In accordance with section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506), the Secretary of Defense shall examine methods to improve the aural protection for members of the Armed Forces in combat.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the methods to improve aural protection examined under subsection (a).

(c) CENTER OF EXCELLENCE.—The Secretary shall ensure that all studies, findings, plans, and reports conducted or submitted under this section are transmitted to the center of excellence established by section 721 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4506).

SEC. 705. TEMPORARY PROHIBITION ON INCREASE IN COPAYMENTS UNDER RETAIL PHARMACY SYSTEM OF PHARMACY BENEFITS PROGRAM.

During the period beginning on October 1, 2010, and ending on September 30, 2011, the cost sharing requirements established under paragraph (6) of section 1074g(a) of title 10, United States Code, for pharmaceutical agents available through retail pharmacies covered by paragraph (2)(E)(ii) of such section may not exceed amounts as follows:

(1) In the case of generic agents, $3.

(2) In the case of formulary agents, $9.

(3) In the case of nonformulary agents, $22.

Subtitle B—Health Care Administration

SEC. 711. ADMINISTRATION OF TRICARE.

Subsection (a) of section 1073 of title 10, United States Code, is amended—

(1) by striking ''Except'' and inserting ''(1) Except''; and

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

''(2) Except as otherwise provided in this chapter, the Secretary of Defense shall have responsibility for administering the TRICARE program and making any decision affecting such program.''.

SEC. 712. POSTDEPLOYMENT HEALTH REASSESSMENTS FOR PURPOSES OF THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) REQUIREMENT FOR POSTDEPLOYMENT HEALTH REASSESSMENTS.—Paragraph (1) of subsection (b) of section 1074f of title 10, United States Code, is amended to read as follows:

''(1)(A) The system described in subsection (a) shall include the use of predeployment medical examinations and postdeployment medical examinations (including the assessment of mental health and the drawing of blood samples) and postdeployment health reassessments to—

''(i) accurately record the health status of members before their deployment;

''(ii) accurately record any changes in their health status during the course of their deployment; and

''(iii) identify health concerns, including mental health concerns, that may become manifest several months following their deployment.

''(B) The postdeployment medical examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

''(C) The postdeployment health reassessment shall be conducted at an appropriate time during the period beginning 90 days after the member is redeployed and ending 180 days after the member is redeployed.''.

(b) INCORPORATION IN REASSESSMENTS OF ELEMENTS OF PREDEPLOYMENT AND POSTDEPLOYMENT MEDICAL EXAMINATIONS.—Paragraph (2) of such subsection is amended by striking ''and postdeployment medical examination'' and inserting ''medical examination, postdeployment medical examination, and postdeployment health reassessment''.

(c) RECORDKEEPING.—Subsection (c) of such section is amended—

(1) by inserting ''and reassessments'' after ''medical examinations''; and

(2) by inserting ''and the prescription and administration of psychotropic medications'' after ''including immunizations''.

(d) QUALITY ASSURANCE.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''and postdeployment medical examinations'' and inserting '', postdeployment medical examinations, and postdeployment health reassessments''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''and reassessments'' after ''postdeployment health assessments''; and

(B) in subparagraph (B), by inserting ''and reassessments'' after ''such assessments''.

SEC. 713. CLARIFICATION OF LICENSURE REQUIREMENTS APPLICABLE TO MILITARY HEALTH-CARE PROFESSIONALS WHO ARE MEMBERS OF THE NATIONAL GUARD PERFORMING CERTAIN DUTY WHILE IN STATE STATUS.

Section 1094(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''or (3)'' after ''paragraph (2)'';

(2) in paragraph (2), by inserting ''as being described in this paragraph'' after ''paragraph (1)''; and

(3) by adding at the end the following new paragraph:

''(3) A health-care professional referred to in paragraph (1) as being described in this paragraph is a member of the National Guard who—

''(A) has a current license to practice medicine, osteopathic medicine, dentistry, or another health profession; and

''(B) is performing training or duty under section 502(f) of title 32 in response to an actual or potential disaster.''.

SEC. 714. IMPROVEMENTS TO OVERSIGHT OF MEDICAL TRAINING FOR MEDICAL CORPS OFFICERS.

(a) REVIEW OF TRAINING PROGRAMS FOR MEDICAL OFFICERS.—

(1) REVIEW.—The Secretary of Defense shall conduct a review of training programs for medical officers (as defined in section 101(b)(14) of title 10, United States Code) to ensure that the academic and military performance of such officers has been completely documented in military personnel records. The programs reviewed shall include, at a minimum, the following:

(A) Programs at the Uniformed Services University of the Health Sciences that award a medical doctor degree.

(B) Selected residency programs at military medical treatment facilities, as determined by the Secretary, to include at least one program in each of the specialties of—

(i) anesthesiology;

(ii) emergency medicine;

(iii) family medicine;

(iv) general surgery;

(v) neurology;

(vi) obstetrics/gynecology;

(vii) pathology;

(viii) pediatrics; and

(ix) psychiatry.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the review under paragraph (1).

(b) ANNUAL REPORT ON GRADUATE MEDICAL EDUCATION PROGRAMS.—

(1) ANNUAL REPORT.—Not later than April 1, 2011, and annually thereafter through 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the graduate medical education programs of the Department of Defense.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) An identification of each graduate medical education program of the Department of Defense in effect during the previous fiscal year, including for each such program, the military department responsible, the location, the medical specialty, the period of training required, and the number of students by year.

(B) The status of each program referred to in subparagraph (A), including, for each such program, an identification of the fiscal year in which the last action was taken with respect to each of the following:

(i) Initial accreditation.

(ii) Continued accreditation.

(iii) If applicable, probation, and the reasons for probationary status.

(iv) If applicable, withheld or withdrawn accreditation, and the reasons for such action.

(C) A discussion of trends in the graduate medical education programs of the Department.

(D) A discussion of challenges faced by such programs, and a description and assessment of strategies and plans to address such challenges.

(E) Such other matters as the Secretary considers appropriate.

SEC. 715. HEALTH INFORMATION TECHNOLOGY.

(a) ENTERPRISE RISK ASSESSMENT METHODOLOGY STUDY.—

(1) STUDY REQUIRED.—The Secretary of Defense shall conduct an enterprise risk assessment methodology study of all health information technology programs of the Department of Defense.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report containing the results of the study required under paragraph (1).

(b) REPORT ON HEALTH INFORMATION TECHNOLOGY ORGANIZATIONAL STRUCTURE AND FUTURE PLANS.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure for health information technology within the Department of Defense.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) Organizational charts for all organizations involved with health information technology showing, at a minimum, the senior positions in each office and each activity.

(B) A description of the functions and responsibilities, to include policy formulation, policy and program execution, and program oversight, of each senior position for health information technology.

(C) An assessment of how well the health information systems of the Department of Defense interact with the health information systems of—

(i) the Department of Veterans Affairs; and

(ii) entities other than the Federal Government.

(D) A description of the role played by the Interagency Program Office established by section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) and whether the office is satisfactorily performing the functions required by such section, as well as recommendations for administrative or legislative action as the Secretary considers appropriate.

(E) A complete description of all future plans for legacy systems and new electronic health record initiatives, including the joint virtual lifetime electronic record.

(F) The results of the survey described in paragraph (3).

(3) SURVEY.—The Secretary shall conduct a survey of users of the health information technology systems of the Department of Defense to assess the benefits and failings of such systems.

(4) DEFINITIONS.—In this subsection:

(A) The term ''senior position'' means a position filled by a member of the senior executive service, a position on the Executive Schedule established pursuant to title 5, United States Code, or a position filled by a general or flag officer.

(B) The term ''senior personnel'' means personnel who are members of the senior executive service, who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code, or who are general or flag officers.

(c) REPORT ON GAO REPORT REQUIRED.—Not later than March 31, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the report by the Comptroller General of the United States titled ''Information Technology: Opportunities Exist to Improve Management of DOD's Electronic Health Record Initiative'' (GAO-11-50), including—

(1) the status of implementing the recommendations made in such report; and

(2) for each such recommendation that has not been implemented, the reason why the recommendation has not been implemented.

SEC. 716. EDUCATION AND TRAINING ON USE OF PHARMACEUTICALS IN REHABILITATION PROGRAMS FOR WOUNDED WARRIORS.

(a) EDUCATION AND TRAINING REQUIRED.—The Secretary of Defense shall develop and implement training, available through the Internet or other means, on the use of pharmaceuticals in rehabilitation programs for seriously ill or injured members of the Armed Forces.

(b) RECIPIENTS OF TRAINING.—The training developed and implemented under subsection (a) shall be training for each category of individuals as follows:

(1) Patients in or transitioning to a wounded warrior unit, with special accommodation in such training for such patients with cognitive disabilities.

(2) Nonmedical case managers.

(3) Military leaders.

(4) Family members.

(c) ELEMENTS OF TRAINING.—The training developed and implemented under subsection (a) shall include the following:

(1) An overview of the fundamentals of safe prescription drug use.

(2) Familiarization with the benefits and risks of using pharmaceuticals in rehabilitation therapies.

(3) Examples of the use of pharmaceuticals for individuals with multiple, complex injuries, including traumatic brain injury and post-traumatic stress disorder.

(4) Familiarization with means of finding additional resources for information on pharmaceuticals.

(5) Familiarization with basic elements of pain and pharmaceutical management.

(6) Familiarization with complementary and alternative therapies.

(d) TAILORING OF TRAINING.—The training developed and implemented under subsection (a) shall appropriately tailor the elements specified in subsection (c) for and among each category of individuals set forth in subsection (b).

(e) REVIEW OF PHARMACY.—

(1) REVIEW.—The Secretary shall review all policies and procedures of the Department of Defense regarding the use of pharmaceuticals in rehabilitation programs for seriously ill or injured members of the Armed Forces.

(2) RECOMMENDATIONS.—Not later than September 20, 2011, the Secretary shall submit to the congressional defense committees any recommendations for administrative or legislative action with respect to the review under paragraph (1) as the Secretary considers appropriate.

Subtitle C—Other Matters

SEC. 721. REPEAL OF REPORT REQUIREMENT ON SEPARATIONS RESULTING FROM REFUSAL TO PARTICIPATE IN ANTHRAX VACCINE IMMUNIZATION PROGRAM.

Section 1178 of title 10, United States Code, is amended—

(1) by striking ''(a) REQUIREMENT TO ESTABLISH SYSTEM.—''; and

(2) by striking subsection (b).

SEC. 722. COMPREHENSIVE POLICY ON CONSISTENT NEUROLOGICAL COGNITIVE ASSESSMENTS OF MEMBERS OF THE ARMED FORCES BEFORE AND AFTER DEPLOYMENT.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than January 31, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on consistent neurological cognitive assessments of members of the Armed Forces before and after deployment.

(b) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

SEC. 723. ASSESSMENT OF POST-TRAUMATIC STRESS DISORDER BY MILITARY OCCUPATION.

(a) ASSESSMENT.—The Secretaries of the military departments shall each conduct an assessment of post-traumatic stress disorder incidence by military occupation, including identification of military occupations with a high incidence of such disorder.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretaries shall each submit to the congressional defense committees a report on the assessment under subsection (a).

(c) CENTERS OF EXCELLENCE.—The Secretary of Defense shall ensure that all studies, findings, plans, and reports conducted or submitted under this section are transmitted to the centers of excellence established by sections 1621 and 1622 of the Wounded Warrior Act (title XVI of Public Law 110–181).

SEC. 724. LICENSED MENTAL HEALTH COUNSELORS AND THE TRICARE PROGRAM.

Not later than June 20, 2011, the Secretary of Defense shall prescribe the regulations required by section 717 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1073 note).

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Disclosure to litigation support contractors.
Sec. 802. Designation of engine development and procurement program as major subprogram.
Sec. 803. Enhancement of Department of Defense authority to respond to combat and safety emergencies through rapid acquisition and deployment of urgently needed supplies.
Sec. 804. Review of acquisition process for rapid fielding of capabilities in response to urgent operational needs.
Sec. 805. Acquisition of major automated information system programs.
Sec. 806. Requirements for information relating to supply chain risk.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Sec. 811. Cost estimates for program baselines and contract negotiations for major defense acquisition and major automated information system programs.
Sec. 812. Management of manufacturing risk in major defense acquisition programs.
Sec. 813. Modification and extension of requirements of the Weapon System Acquisition Reform Act of 2009.
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Sec. 821. Provisions relating to fire resistant fiber for production of military uniforms.
Sec. 822. Repeal of requirement for certain procurements from firms in the small arms production industrial base.
Sec. 823. Review of regulatory definition relating to production of specialty metals.
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Sec. 826. Inclusion of option amounts in limitations on authority of the Department of Defense to carry out certain prototype projects.
Sec. 827. Permanent authority for Defense Acquisition Challenge Program; pilot expansion of Program.
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Subtitle D—Contractor Matters

Sec. 831. Oversight and accountability of contractors performing private security functions in areas of combat operations.
Sec. 832. Extension of regulations on contractors performing private security functions to areas of other significant military operations.
Sec. 833. Standards and certification for private security contractors.
Sec. 834. 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. 835. Annual joint report and Comptroller General review on contracting in Iraq and Afghanistan.

Subtitle E—Other Matters

Sec. 841. Improvements to structure and functioning of Joint Requirements Oversight Council.
Sec. 842. Department of Defense policy on acquisition and performance of sustainable products and services.
Sec. 843. Assessment and plan for critical rare earth materials in defense applications.
Sec. 844. Review of national security exception to competition.
Sec. 845. Requirement for entities with facility clearances that are not under foreign ownership control or influence mitigation.
Sec. 846. Procurement of photovoltaic devices.
Sec. 847. Non-availability exception from Buy American requirements for procurement of hand or measuring tools.
Sec. 848. Contractor logistics support of contingency operations.

Subtitle F—Improve Acquisition Act

Sec. 860. Short title.

PART I—DEFENSE ACQUISITION SYSTEM

Sec. 861. Improvements to the management of the defense acquisition system.
Sec. 862. Comptroller General report on Joint Capabilities Integration and Development System.
Sec. 863. Requirements for the acquisition of services.
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PART II—DEFENSE ACQUISITION WORKFORCE

Sec. 871. Acquisition workforce excellence.
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Sec. 873. Career development for civilian and military personnel in the acquisition workforce.
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Sec. 881. Audit readiness of financial statements of the Department of Defense.
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Sec. 895. Inclusion of the providers of services and information technology in the national technology and industrial base.
Sec. 896. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy; Industrial Base Fund.

Subtitle A—Acquisition Policy and Management

SEC. 801. DISCLOSURE TO LITIGATION SUPPORT CONTRACTORS.

(a) IN GENERAL.—Section 2320 of title 10, United States Code, is amended—

(1) in subsection (c)(2)—

(A) by striking ''subsection (a), allowing'' and inserting ''subsection (a)—

''(A) allowing''; and

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

''(B) allowing a covered litigation support contractor access to and use of any technical, proprietary, or confidential data delivered under a contract for the sole purpose of providing litigation support to the Government in the form of administrative, technical, or professional services during or in anticipation of litigation; or''; and

(2) by inserting after subsection (f) the following:

''(g) In this section, the term 'covered litigation support contractor' means a contractor (including an expert or technical consultant) under contract with the Department of Defense to provide litigation support, which contractor executes a contract with the Government agreeing to and acknowledging—

''(1) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

''(2) that the covered litigation support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered litigation support contractor; and

''(3) that such technical data provided to the covered litigation support contractor under the authority of this section shall not be used by the covered litigation support contractor to compete against the third party for Government or non-Government contracts.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 120 days after the date of the enactment of this Act.

SEC. 802. DESIGNATION OF ENGINE DEVELOPMENT AND PROCUREMENT PROGRAM AS MAJOR SUBPROGRAM.

(a) DESIGNATION AS MAJOR SUBPROGRAM.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate an engine development and procurement program as a major subprogram of the F–35 Lightning II aircraft major defense acquisition program, in accordance with section 2430a of title 10, United States Code.

(b) ORIGINAL BASELINE.—For purposes of reporting requirements referred to in section 2430a(b) of title 10, United States Code, for the major subprogram designated under subsection (a), the Secretary shall use the Milestone B decision as the original baseline for the subprogram.

(c) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Subject to paragraph (2), to the extent that the Secretary elects to restructure the Lightning II aircraft major defense acquisition program subsequent to a reassessment and actions required by subsections (a) and (c) of section 2433a of title 10, United States Code, during fiscal year 2010, and also conducts such reassessment and actions with respect to an F–35 engine development and procurement program (including related reporting based on the original baseline as defined in subsection (c)), the requirements of section 2433a of such title with respect to a major subprogram designated under subsection (a) shall be considered to be met with respect to the major subprogram.

(2) LIMITATION.—Actions taken in accordance with paragraph (1) shall be considered to meet the requirements of section 2433a of title 10, United States Code, with respect to a major subprogram designated under subsection (a) only to the extent that designation as a major subprogram would require the Secretary of Defense to conduct a reassessment and take actions pursuant to such section 2433a for such a subprogram upon enactment of this Act. The requirements of such section 2433a shall not be considered to be met with respect to such a subprogram in the event that additional programmatic changes, following the date of the enactment of this Act, cause the program acquisition unit cost or procurement unit cost of such a subprogram to increase by a percentage equal to or greater than the critical cost growth threshold (as defined in section 2433(a)(5) of such title) for the subprogram.

SEC. 803. ENHANCEMENT OF DEPARTMENT OF DEFENSE AUTHORITY TO RESPOND TO COMBAT AND SAFETY EMERGENCIES THROUGH RAPID ACQUISITION AND DEPLOYMENT OF URGENTLY NEEDED SUPPLIES.

(a) REQUIREMENT TO ESTABLISH PROCEDURES.—Subsection (a) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—

(1) in the matter preceding paragraph (1), by striking ''items'' and inserting ''supplies''; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

''(1)(A) currently under development by the Department of Defense or available from the commercial sector; or

''(B) require only minor modifications to supplies described in subparagraph (A); and''.

(b) ISSUES TO BE ADDRESSED.—Subsection (b) of such section is amended—

(1) in paragraph (1)(B), by striking ''items'' and inserting ''supplies''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''items'' and inserting ''supplies'';

(B) in subparagraphs (A) and (B), by striking ''an item'' and inserting ''the supplies''; and

(C) in subparagraph (C), by inserting ''and utilization'' after ''deployment''.

(c) RESPONSE TO COMBAT EMERGENCIES.—Subsection (c) of such section is amended—

(1) by striking ''equipment'' each place it appears other than paragraph (5) and inserting ''supplies'';

(2) by striking ''combat capability'' each place it appears;

(3) by striking ''that has resulted in combat fatalities'' each place it appears and inserting ''that has resulted in combat casualties, or is likely to result in combat casualties'';

(4) in paragraph (1), by striking ''is'' and inserting ''are'';

(5) in paragraph (2)—

(A) in subparagraph (A), by striking ''is'' each place it appears and inserting ''are''; and

(B) in subparagraph (B), by striking ''fatalities'' at the end and inserting ''casualties'';

(6) by amending paragraph (3) to read as follows:

''(3) In any fiscal year in which the Secretary makes a determination described in paragraph (1), the Secretary may use any funds available to the Department of Defense for that fiscal year for acquisitions of supplies under this section if the determination includes a written finding that the use of such funds is necessary to address the combat capability deficiency in a timely manner. The authority of this section may not be used to acquire supplies in an amount aggregating more than $200,000,000 during any such fiscal year.'';

(7) in paragraph (4)—

(A) by inserting '', in consultation with the Director of the Office of Management and Budget,'' after ''shall''; and

(B) by striking ''Each such notice'' and inserting ''For each such determination, the notice under the preceding sentence''; and

(8) in paragraph (5), by striking ''that equipment'' and inserting ''the supplies concerned''.

(d) WAIVER OF CERTAIN STATUES AND REGULATIONS.—Subsection (d)(1) of such section is amended by striking ''equipment'' in subparagraphs (A), (B), and (C) and inserting ''supplies''.

(e) TESTING REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''an item'' and inserting ''the supplies''; and

(B) in subparagraph (B), by striking ''of the item'' and all that follows through ''requirements document'' and inserting ''of the supplies in meeting the original requirements for the supplies (as stated in a statement of the urgent operational need'';

(2) in paragraph (2)—

(A) by striking ''an item'' and inserting ''supplies''; and

(B) by striking ''the item'' and inserting ''the supplies''; and

(3) in paragraph (3), by striking ''items'' each place it appears and inserting ''supplies''.

(f) LIMITATION.—Subsection (f) of such section is amended to read as follows:

''(f) LIMITATION.—In the case of supplies that are part of a major system for which a low-rate initial production quantity determination has been made pursuant to section 2400 of title 10, United States Code, the quantity of such supplies acquired using the procedures prescribed pursuant to this section may not exceed an amount consistent with complying with limitations on the quantity of articles approved for low-rate initial production for such system. Any such supplies shall be included in any relevant calculation of quantities for low-rate initial production for the system concerned.''.

SEC. 804. REVIEW OF ACQUISITION PROCESS FOR RAPID FIELDING OF CAPABILITIES IN RESPONSE TO URGENT OPERATIONAL NEEDS.

(a) REVIEW OF RAPID ACQUISITION PROCESS REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall complete a review of the process for the fielding of capabilities in response to urgent operational needs and submit a report on the review to the congressional defense committees.

(2) REVIEW AND REPORT REQUIREMENTS.—The review pursuant to this section shall include consideration of various improvements to the acquisition process for rapid fielding of capabilities in response to urgent operational needs. For each improvement, the report on the review shall discuss—

(A) the Department's review of the improvement;

(B) if the improvement is being implemented by the Department, a schedule for implementing the improvement; and

(C) if the improvement is not being implemented by the Department, an explanation of why the improvement is not being implemented.

(3) IMPROVEMENTS TO BE CONSIDERED.—The improvements that shall be considered during the review are the following:

(A) Providing a streamlined, expedited, and tightly integrated iterative approach to—

(i) the identification and validation of urgent operational needs;

(ii) the analysis of alternatives and identification of preferred solutions;

(iii) the development and approval of appropriate requirements and acquisition documents;

(iv) the identification and minimization of development, integration, and manufacturing risks;

(v) the consideration of operation and sustainment costs;

(vi) the allocation of appropriate funding; and

(vii) the rapid production and delivery of required capabilities.

(B) Clearly defining the roles and responsibilities of the Office of the Secretary of Defense, the Joint Chiefs of Staff, the military departments, and other components of the Department of Defense for carrying out all phases of the process.

(C) Designating a senior official within the Office of the Secretary of Defense with primary responsibility for making recommendations to the Secretary on the use of the authority provided by subsections (c) and (d) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note), as amended by section 803 of this Act, in appropriate circumstances.

(D) Establishing a target date for the fielding of a capability pursuant to each validated urgent operational need.

(E) Implementing a system for—

(i) documenting key process milestones, such as funding, acquisition, fielding, and assessment decisions and actions; and

(ii) tracking the cost, schedule, and performance of acquisitions conducted pursuant to the process.

(F) Establishing a formal feedback mechanism for the commanders of the combatant commands to provide information to the Joint Chiefs of Staff and senior acquisition officials on how well fielded solutions are meeting urgent operational needs.

(G) Establishing a dedicated source of funding for the rapid fielding of capabilities in response to urgent operational needs.

(H) Issuing guidance to provide for the appropriate transition of capabilities acquired through rapid fielding into the traditional budget, requirements, and acquisition process for purposes of contracts for follow-on production, sustainment, and logistics support.

(I) Such other improvements as the Secretary considers appropriate.

(b) DISCRIMINATING URGENT OPERATIONAL NEEDS FROM TRADITIONAL REQUIREMENTS.—

(1) EXPEDITED REVIEW PROCESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall develop and implement an expedited review process to determine whether capabilities proposed as urgent operational needs are appropriate for fielding through the process for the rapid fielding of capabilities or should be fielded through the traditional acquisition process.

(2) ELEMENTS.—The review process developed and implemented pursuant to paragraph (1) shall—

(A) apply to the rapid fielding of capabilities in response to joint urgent operational need statements and to other urgent operational needs statements generated by the military departments and the combatant commands;

(B) identify officials responsible for making determinations described in paragraph (1);

(C) establish appropriate time periods for making such determinations;

(D) set forth standards and criteria for making such determinations based on considerations of urgency, risk, and life-cycle management;

(E) establish appropriate thresholds for the applicability of the review process, or of elements of the review process; and

(F) authorize appropriate officials to make exceptions from standards and criteria established under subparagraph (D) in exceptional circumstances.

(3) COVERED CAPABILITIES.—The review process developed and implemented pursuant to paragraph (1) shall provide that, subject to such exceptions as the Secretary considers appropriate for purposes of this section, the acquisition process for rapid fielding of capabilities in response to urgent operational needs is appropriate only for capabilities that—

(A) can be fielded within a period of two to 24 months;

(B) do not require substantial development effort;

(C) are based on technologies that are proven and available; and

(D) can appropriately be acquired under fixed price contracts.

(4) INCLUSION IN REPORT.—The Secretary shall include a description of the expedited review process implemented pursuant to paragraph (1) in the report required by subsection (a).

SEC. 805. ACQUISITION OF MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) PROGRAM TO IMPROVE INFORMATION TECHNOLOGY PROCESSES.—

(1) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting after section 2223 the following new section:

''§ 2223a. Information technology acquisition planning and oversight requirements

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish a program to improve the planning and oversight processes for the acquisition of major automated information systems by the Department of Defense.

''(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include—

''(1) a documented process for information technology acquisition planning, requirements development and management, project management and oversight, earned value management, and risk management;

''(2) the development of appropriate metrics that can be implemented and monitored on a real-time basis for performance measurement of—

''(A) processes and development status of investments in major automated information system programs;

''(B) continuous process improvement of such programs; and

''(C) achievement of program and investment outcomes;

''(3) a process to ensure that key program personnel have an appropriate level of experience, training, and education in the planning, acquisition, execution, management, and oversight of information technology systems;

''(4) a process to ensure sufficient resources and infrastructure capacity for test and evaluation of information technology systems;

''(5) a process to ensure that military departments and Defense Agencies adhere to established processes and requirements relating to the planning, acquisition, execution, management, and oversight of information technology programs and developments; and

''(6) a process under which an appropriate Department of Defense official may intervene or terminate the funding of an information technology investment if the investment is at risk of not achieving major project milestones.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 131 of such title is amended by inserting after the item relating to section 2223 the following new item:

''2223a. Information technology acquisition planning and oversight requirements.''.

(b) ANNUAL REPORT TO CONGRESS.—Section 2445b(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(5) For each major automated information system program for which such information has not been provided in a previous annual report—

''(A) a description of the business case analysis (if any) that has been prepared for the program and key functional requirements for the program;

''(B) a description of the analysis of alternatives conducted with regard to the program;

''(C) an assessment of the extent to which the program, or portions of the program, have technical requirements of sufficient clarity that the program, or portions of the program, may be feasibly procured under firm, fixed-price contracts;

''(D) the most recent independent cost estimate or cost analysis for the program provided by the Director of Cost Assessment and Program Evaluation in accordance with section 2334(a)(6) of this title;

''(E) a certification by a Department of Defense acquisition official with responsibility for the program that all technical and business requirements have been reviewed and validated to ensure alignment with the business case; and

''(F) an explanation of the basis for the certification described in subparagraph (E).

''(6) For each major automated information system program for which the information required under paragraph (5) has been provided in a previous annual report, a summary of any significant changes to the information previously provided.''.

SEC. 806. REQUIREMENTS FOR INFORMATION RELATING TO SUPPLY CHAIN RISK.

(a) AUTHORITY.—Subject to subsection (b), the head of a covered agency may—

(1) carry out a covered procurement action; and

(2) limit, notwithstanding any other provision of law, in whole or in part, the disclosure of information relating to the basis for carrying out a covered procurement action.

(b) DETERMINATION AND NOTIFICATION.—The head of a covered agency may exercise the authority provided in subsection (a) only after—

(1) obtaining a joint recommendation by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense, on the basis of a risk assessment by the Under Secretary of Defense for Intelligence, that there is a significant supply chain risk to a covered system;

(2) making a determination in writing, in unclassified or classified form, with the concurrence of the Under Secretary of Defense for Acquisition, Technology, and Logistics, that—

(A) use of the authority in subsection (a)(1) is necessary to protect national security by reducing supply chain risk;

(B) less intrusive measures are not reasonably available to reduce such supply chain risk; and

(C) in a case where the head of the covered agency plans to limit disclosure of information under subsection (a)(2), the risk to national security due to the disclosure of such information outweighs the risk due to not disclosing such information; and

(3) providing a classified or unclassified notice of the determination made under paragraph (2) to the appropriate congressional committees, which notice shall include—

(A) the information required by section 2304(f)(3) of title 10, United States Code;

(B) the joint recommendation by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense as specified in paragraph (1);

(C) a summary of the risk assessment by the Under Secretary of Defense for Intelligence that serves as the basis for the joint recommendation specified in paragraph (1); and

(D) a summary of the basis for the determination, including a discussion of less intrusive measures that were considered and why they were not reasonably available to reduce supply chain risk.

(c) DELEGATION.—The head of a covered agency may not delegate the authority provided in subsection (a) or the responsibility to make a determination under subsection (b) to an official below the level of the service acquisition executive for the agency concerned.

(d) LIMITATION ON DISCLOSURE.—If the head of a covered agency has exercised the authority provided in subsection (a)(2) to limit disclosure of information—

(1) no action undertaken by the agency head under such authority shall be subject to review in a bid protest before the Government Accountability Office or in any Federal court; and

(2) the agency head shall—

(A) notify appropriate parties of a covered procurement action and the basis for such action only to the extent necessary to effectuate the covered procurement action;

(B) notify other Department of Defense components or other Federal agencies responsible for procurements that may be subject to the same or similar supply chain risk, in a manner and to the extent consistent with the requirements of national security; and

(C) ensure the confidentiality of any such notifications.

(e) DEFINITIONS.—In this section:

(1) HEAD OF A COVERED AGENCY.—The term ''head of a covered agency'' means each of the following:

(A) The Secretary of Defense.

(B) The Secretary of the Army.

(C) The Secretary of the Navy.

(D) The Secretary of the Air Force.

(2) COVERED PROCUREMENT ACTION.—The term ''covered procurement action'' means any of the following actions, if the action takes place in the course of conducting a covered procurement:

(A) The exclusion of a source that fails to meet qualification standards established in accordance with the requirements of section 2319 of title 10, United States Code, for the purpose of reducing supply chain risk in the acquisition of covered systems.

(B) The exclusion of a source that fails to achieve an acceptable rating with regard to an evaluation factor providing for the consideration of supply chain risk in the evaluation of proposals for the award of a contract or the issuance of a task or delivery order.

(C) The decision to withhold consent for a contractor to subcontract with a particular source or to direct a contractor for a covered system to exclude a particular source from consideration for a subcontract under the contract.

(3) COVERED PROCUREMENT.—The term ''covered procurement'' means—

(A) a source selection for a covered system or a covered item of supply involving either a performance specification, as provided in section 2305(a)(1)(C)(ii) of title 10, United States Code, or an evaluation factor, as provided in section 2305(a)(2)(A) of such title, relating to supply chain risk;

(B) the consideration of proposals for and issuance of a task or delivery order for a covered system or a covered item of supply, as provided in section 2304c(d)(3) of title 10, United States Code, where the task or delivery order contract concerned includes a contract clause establishing a requirement relating to supply chain risk; or

(C) any contract action involving a contract for a covered system or a covered item of supply where such contract includes a clause establishing requirements relating to supply chain risk.

(4) SUPPLY CHAIN RISK.—The term ''supply chain risk'' means the risk that an adversary may sabotage, maliciously introduce unwanted function, or otherwise subvert the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of a covered system so as to surveil, deny, disrupt, or otherwise degrade the function, use, or operation of such system.

(5) COVERED SYSTEM.—The term ''covered system'' means a national security system, as that term is defined in section 3542(b) of title 44, United States Code.

(6) COVERED ITEM OF SUPPLY.—The term ''covered item of supply'' means an item of information technology (as that term is defined in section 11101 of title 40, United States Code) that is purchased for inclusion in a covered system, and the loss of integrity of which could result in a supply chain risk for a covered system.

(7) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) in the case of a covered system included in the National Intelligence Program or the Military Intelligence Program, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives,

and the congressional defense committees; and

(B) in the case of a covered system not otherwise included in subparagraph (A), the congressional defense committees.

(f) EFFECTIVE DATE.—The requirements of this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to—

(1) contracts that are awarded on or after such date; and

(2) task and delivery orders that are issued on or after such date pursuant to contracts that awarded before, on, or after such date.

(g) SUNSET.—The authority provided in this section shall expire on the date that is three years after the date of the enactment of this Act.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

SEC. 811. COST ESTIMATES FOR PROGRAM BASELINES AND CONTRACT NEGOTIATIONS FOR MAJOR DEFENSE ACQUISITION AND MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

Section 2334 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(ii) by striking '', the rationale for selecting such confidence level, and, if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent; and'' and inserting ''and the rationale for selecting such confidence level;'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) ensure that such confidence level provides a high degree of confidence that the program can be completed without the need for significant adjustment to program budgets; and'';

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

''(e) ESTIMATES FOR PROGRAM BASELINE AND ANALYSES AND TARGETS FOR CONTRACT NEGOTIATION PURPOSES.—(1) The policies, procedures, and guidance issued by the Director of Cost Assessment and Program Evaluation in accordance with the requirements of subsection (a) shall provide that—

''(A) cost estimates developed for baseline descriptions and other program purposes conducted pursuant to subsection (a)(6) are not to be used for the purpose of contract negotiations or the obligation of funds; and

''(B) cost analyses and targets developed for the purpose of contract negotiations and the obligation of funds are based on the Government's reasonable expectation of successful contractor performance in accordance with the contractor's proposal and previous experience.

''(2) The Program Manager and contracting officer for each major defense acquisition program and major automated information system program shall ensure that cost analyses and targets developed for the purpose of contract negotiations and the obligation of funds are carried out in accordance with the requirements of paragraph (1) and the policies, procedures, and guidance issued by the Director of Cost Assessment and Program Evaluation.

''(3) Funds that are made available for a major defense acquisition program or major automated information system program in accordance with a cost estimate conducted pursuant to subsection (a)(6), but are excess to a cost analysis or target developed pursuant to paragraph (2), shall remain available for obligation in accordance with the terms of applicable authorization and appropriations Acts.

''(4) Funds described in paragraph (3)—

''(A) may be used—

''(i) to cover any increased program costs identified by a revised cost analysis or target developed pursuant to paragraph (2);

''(ii) to acquire additional end items in accordance with the requirements of section 2308 of this title; or

''(iii) to cover the cost of risk reduction and process improvements; and

''(B) may be reprogrammed, in accordance with established procedures, only if determined to be excess to program needs on the basis of a cost estimate developed with the concurrence of the Director of Cost Assessment and Program Evaluation.''.

SEC. 812. MANAGEMENT OF MANUFACTURING RISK IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue comprehensive guidance on the management of manufacturing risk in major defense acquisition programs.

(b) ELEMENTS.—The guidance issued under subsection (a) shall, at a minimum—

(1) require the use of manufacturing readiness levels as a basis for measuring, assessing, reporting, and communicating manufacturing readiness and risk on major defense acquisition programs throughout the Department of Defense;

(2) provide guidance on the definition of manufacturing readiness levels and how manufacturing readiness levels should be used to assess manufacturing risk and readiness in major defense acquisition programs;

(3) specify manufacturing readiness levels that should be achieved at key milestones and decision points for major defense acquisition programs;

(4) identify tools and models that may be used to assess, manage, and reduce risks that are identified in the course of manufacturing readiness assessments for major defense acquisition programs; and

(5) require appropriate consideration of the manufacturing readiness and manufacturing readiness processes of potential contractors and subcontractors as a part of the source selection process for major defense acquisition programs.

(c) MANUFACTURING READINESS EXPERTISE.—The Secretary shall ensure that—

(1) the acquisition workforce chapter of the annual strategic workforce plan required by section 115b of title 10, United States Code, includes an assessment of the critical manufacturing readiness knowledge and skills needed in the acquisition workforce and a plan of action for addressing any gaps in such knowledge and skills; and

(2) the need of the Department for manufacturing readiness knowledge and skills is given appropriate consideration, comparable to the consideration given to other program management functions, as the Department identifies areas of need for funding through the Defense Acquisition Workforce Development Fund established in accordance with the requirements of section 1705 of title 10, United States Code.

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430(a) of title 10, United States Code.

SEC. 813. MODIFICATION AND EXTENSION OF REQUIREMENTS OF THE WEAPON SYSTEM ACQUISITION REFORM ACT OF 2009.

(a) EXTENSION OF REPORTING REQUIREMENTS.—Section 102(b) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1714; 10 U.S.C. 2430 note) is amended—

(1) in paragraph (2), by inserting '', and not later than February 15 of each year from 2011 through 2014'' after ''Not later than 180 days after the date of the enactment of this Act''; and

(2) in paragraph (3), by striking ''The first annual report'' and inserting ''Each annual report from 2010 through 2014''.

(b) CLARIFICATION THAT PROTOTYPES MAY BE ACQUIRED FROM COMMERCIAL, GOVERNMENT, OR ACADEMIC SOURCES.—Paragraph (4) of section 203(a) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1722; 10 U.S.C. 2430 note) is amended to read as follows:

''(4) That prototypes—

''(A) may be required under paragraph (1) or (3) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system; and

''(B) may be acquired from commercial, government, or academic sources.''.

(c) CLARIFICATION THAT CERTIFICATIONS ARE NOT REQUIRED FOR MAJOR DEFENSE ACQUISITION PROGRAMS FOLLOWING MILESTONE C APPROVAL.—Section 204(c)(2) of the Weapon Systems Acquisition Reform Act of 2009 (123 Stat. 1724) is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) has not yet achieved a Milestone C approval.''.

(d) CLARIFICATION THAT CERTAIN MILESTONE B CERTIFICATION CRITERIA MAY BE WAIVED.—

(1) WAIVER AUTHORITY.—Effective as of May 22, 2009, section 2366b(d) of title 10, United States Code, as amended by section 205(a)(1) of the Weapon Systems Acquisition Reform Act of 2009 (123 Stat. 1724), is amended—

(A) in paragraph (1), by striking ''specified in paragraph (1) or (2) of subsection (a)'' and inserting ''specified in paragraph (1), (2), or (3) of subsection (a)''; and

(B) in paragraph (2), by striking ''specified in paragraphs (1) and (2) of subsection (a)'' and inserting ''specified in paragraphs (1), (2), and (3) of subsection (a)''.

(2) DETERMINATION REGARDING SATISFACTION OF CERTIFICATION COMPONENTS.—Effective as of May 22, 2009, and as if included therein as enacted, section 205(b)(1) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2366b note) is amended by striking ''certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code'' and inserting ''certification components specified in paragraphs (1), (2), and (3) of subsection (a) of section 2366b of title 10, United States Code''.

(e) CORRECTION TO REFERENCE.—Effective as of May 22, 2009, and as if included therein as enacted, section 205(c) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2433a note) is amended by striking ''section 2433a(c)(3)'' and inserting ''section 2433a(c)(1)(C)''.

SEC. 814. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER VARIOUS ACQUISITION-RELATED REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 2430a(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting ''(1)'' before ''If the Secretary'';

(3) in subparagraph (A), as so redesignated, by inserting ''(other than as provided in paragraph (2))'' before the semicolon; and

(4) by adding at the end the following new paragraph:

''(2) For a major defense acquisition program for which a designation of a major subprogram has been made under subsection (a), unit costs under this chapter shall be submitted in accordance with the definitions in subsection (d).''.

(b) MILESTONE A APPROVAL CERTIFICATION REQUIREMENTS.—Section 2366a of such title is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''a major defense acquisition program certified by the Milestone Decision Authority under subsection (a), if the projected cost of the program'' and inserting ''a major defense acquisition program certified by the Milestone Decision Authority under subsection (a) or a designated major subprogram of such program, if the projected cost of the program or subprogram''; and

(B) in paragraph (2), by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(2) in subsection (c)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The term 'designated major subprogram' means a major subprogram of a major defense acquisition program designated under section 2430a(a)(1) of this title.''.

(c) MILESTONE B APPROVAL CERTIFICATION REQUIREMENTS.—Section 2366b of such title is amended—

(1) in subsection (b)(1)—

(A) by striking ''any changes to the program'' and inserting ''any changes to the program or a designated major subprogram of such program''; and

(B) in subparagraph (B), by striking ''otherwise cause the program'' and inserting ''otherwise cause the program or subprogram''; and

(2) in subsection (g)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The term 'designated major subprogram' means a major subprogram of a major defense acquisition program designated under section 2430a(a)(1) of this title.''.

(d) CONFORMING AMENDMENTS TO SECTION 2399.—Subsection (a) of section 2399 of such title is amended to read as follows:

''(a) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense shall provide that a covered major defense acquisition program or a covered designated major subprogram may not proceed beyond low-rate initial production until initial operational test and evaluation of the program or subprogram is completed.

''(2) In this subsection:

''(A) The term 'covered major defense acquisition program' means a major defense acquisition program that involves the acquisition of a weapon system that is a major system within the meaning of that term in section 2302(5) of this title.

''(B) The term 'covered designated major subprogram' means a major subprogram designated under section 2430a(a)(1) of this title that is a major subprogram of a covered major defense acquisition program.''.

(e) CONFORMING AMENDMENTS TO SECTION 2434.—Section 2434(a) of such title is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

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

''(2) The provisions of this section shall apply to any major subprogram of a major defense acquisition program (as designated under section 2430a(a)(1) of this title) in the same manner as those provisions apply to a major defense acquisition program, and any reference in this section to a program shall be treated as including such a subprogram.''.

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

SEC. 821. PROVISIONS RELATING TO FIRE RESISTANT FIBER FOR PRODUCTION OF MILITARY UNIFORMS.

(a) EXTENSION.—Section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 229; 10 U.S.C. 2533a note) is amended in subsection (f) by striking ''on the date that is five years after the date of the enactment of this Act'' and inserting ''on January 1, 2015''.

(b) PROHIBITION ON SPECIFICATION IN SOLICITATIONS.—No solicitation issued before January 1, 2015, by the Department of Defense may include a requirement that proposals submitted pursuant to such solicitation must include the use of fire resistant rayon fiber.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 15, 2011, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the supply chain for fire resistant fiber for the production of military uniforms.

(2) ELEMENTS.—The report required by paragraph (1) shall include, at a minimum, an analysis of the following:

(A) The current and anticipated sources of fire resistant rayon fiber for the production of military uniforms.

(B) The extent to which fire resistant rayon fiber has unique properties that provide advantages for the production of military uniforms.

(C) The extent to which the efficient procurement of fire resistant rayon fiber for the production of military uniforms is impeded by existing statutory or regulatory requirements.

(D) The actions the Department of Defense has taken to identify alternatives to fire resistant rayon fiber for the production of military uniforms.

(E) The extent to which such alternatives provide an adequate substitute for fire resistant rayon fiber for the production of military uniforms.

(F) The impediments to the use of such alternatives, and the actions the Department has taken to overcome such impediments.

(G) The extent to which uncertainty regarding the future availability of fire resistant rayon fiber results in instability or inefficiency for elements of the United States textile industry that use fire resistant rayon fiber, and the extent to which that instability or inefficiency results in less efficient business practices, impedes investment and innovation, and thereby results or may result in higher costs, delayed delivery, or a lower quality of product delivered to the Government.

(H) The extent to which any modifications to existing law or regulation may be necessary to ensure the efficient acquisition of fire resistant fiber or alternative fire resistant products for the production of military uniforms.

SEC. 822. REPEAL OF REQUIREMENT FOR CERTAIN PROCUREMENTS FROM FIRMS IN THE SMALL ARMS PRODUCTION INDUSTRIAL BASE.

(a) REPEAL.—Section 2473 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2473.

SEC. 823. REVIEW OF REGULATORY DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review the regulations specified in subsection (b) to ensure that the definition of the term ''produce'' in such regulations complies with the requirements of section 2533b of title 10, United States Code. In carrying out the review, the Secretary shall seek public comment, consider congressional intent, and revise the regulations as the Secretary considers necessary and appropriate.

(b) REGULATIONS SPECIFIED.—The regulations referred to in subsection (a) are any portion of subpart 252.2 of the defense supplement to the Federal Acquisition Regulation that includes a definition of the term ''produce'' for purposes of implementing section 2533b of title 10, United States Code.

(c) COMPLETION OF REVIEW.—The Secretary shall complete the review required by subsection (a) and any necessary and appropriate revisions to the defense supplement to the Federal Acquisition Regulation not later than 270 days after the date of the enactment of this Act.

SEC. 824. GUIDANCE RELATING TO RIGHTS IN TECHNICAL DATA.

(a) REVIEW OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall review guidance issued by the military departments on the implementation of section 2320(e) of title 10, United States Code, to ensure that such guidance is consistent with the guidance issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics and the requirements of this section. Such guidance shall be designed to ensure that the United States—

(1) preserves the option of competition for contracts for the production and sustainment of systems or subsystems that are developed exclusively with Federal funds as defined in accordance with the amendments made by this section; and

(2) is not required to pay more than once for the same technical data.

(b) RIGHTS IN TECHNICAL DATA.—Section 2320(a) of title 10, United States Code, is amended—

(1) in paragraph (2)(F)(i)—

(A) by redesignating subclauses (I) and (II) as subclauses (II) and (III), respectively; and

(B) by inserting before subclause (II), as so redesignated, the following new subclause (I):

''(I) rights in technical data described in subparagraph (A) for which a use or release restriction has been erroneously asserted by a contractor or subcontractor;''; and

(2) in paragraph (3), by striking ''for the purposes of definitions under this paragraph'' and inserting ''for the purposes of paragraph (2)(B), but shall be considered to be Federal funds for the purposes of paragraph (2)(A)''.

(c) VALIDATION OF PROPRIETARY DATA RESTRICTIONS.—Section 2321(d)(2) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''A challenge'' and inserting ''Except as provided in subparagraph (C), a challenge''; and

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

''(C) The limitation in this paragraph shall not apply to a case in which the Secretary finds that reasonable grounds exist to believe that a contractor or subcontractor has erroneously asserted a use or release restriction with regard to technical data described in section 2320(a)(2)(A) of this title.''.

SEC. 825. EXTENSION OF SUNSET DATE FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.

Paragraph (3) of section 2304c(e) of title 10, United States Code, is amended to read as follows:

''(3) Paragraph (1)(B) and paragraph (2) of this subsection shall not be in effect after September 30, 2016.''.

SEC. 826. INCLUSION OF OPTION AMOUNTS IN LIMITATIONS ON AUTHORITY OF THE DEPARTMENT OF DEFENSE TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by inserting ''(including all options)'' after ''not in excess of $100,000,000''; and

(B) in subparagraph (B), by inserting ''(including all options)'' after ''in excess of $100,000,000''; and

(2) in subsection (e)(3)(A), by inserting ''(including all options)'' after ''does not exceed $50,000,000''.

SEC. 827. PERMANENT AUTHORITY FOR DEFENSE ACQUISITION CHALLENGE PROGRAM; PILOT EXPANSION OF PROGRAM.

(a) PERMANENT AUTHORITY.—Section 2359b of title 10, United States Code, is amended—

(1) by striking subsections (j) and (k); and

(2) by redesignating subsection (l) as subsection (j).

(b) PILOT PROGRAM.—Section 2359b of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection (k):

''(k) PILOT PROGRAM FOR PROGRAMS OTHER THAN MAJOR DEFENSE ACQUISITION PROGRAMS.—

''(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall carry out a pilot program to expand the use of the authority provided in this section to provide opportunities for the introduction of innovative and cost-saving approaches to programs other than major defense acquisition programs through the submission, review, and implementation, where appropriate, of qualifying proposals.

''(2) QUALIFYING PROPOSALS.—For purposes of this subsection, a qualifying proposal is an offer to supply a nondevelopmental item that—

''(A) is evaluated as achieving a level of performance that is at least equal to the level of performance of an item being procured under a covered acquisition program and as providing savings in excess of 15 percent after considering all costs to the Government of implementing such proposal; or

''(B) is evaluated as achieving a level of performance that is significantly better than the level of performance of an item being procured under a covered acquisition program without any increase in cost to the Government.

''(3) REVIEW PROCEDURES.—The Under Secretary shall adopt modifications as may be needed to the procedures applicable to the Challenge Program to provide for Department of Defense review of, and action on, qualifying proposals. Such procedures shall include, at a minimum, the issuance of a broad agency announcement inviting interested parties to submit qualifying proposals in areas of interest to the Department.

''(4) DEFINITIONS.—In this subsection:

''(A) NONDEVELOPMENTAL ITEM.—The term 'nondevelopmental item' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

''(B) COVERED ACQUISITION PROGRAM.—The term 'covered acquisition program' means any acquisition program of the Department of Defense other than a major defense acquisition program, but does not include any contract awarded under an exception to competitive acquisition authorized by the Small Business Act (15 U.S.C. 631 et seq.)

''(C) LEVEL OF PERFORMANCE.—The term 'level of performance', with respect to a nondevelopmental item, means the extent to which the item demonstrates required item functional characteristics.

''(5) SUNSET.—The authority to carry out the pilot program under this subsection shall terminate on the date that is five years after the date of the enactment of this Act.''.

SEC. 828. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) COMPETITION REQUIREMENTS FOR TASK OR DELIVERY ORDERS UNDER ENERGY SAVINGS PERFORMANCE CONTRACTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by adding at the end the following:

''(c) TASK OR DELIVERY ORDERS.—(1) The head of a Federal agency may issue a task or delivery order under an energy savings performance contract by—

''(A) notifying all contractors that have received an award under such contract that the agency proposes to discuss energy savings performance services for some or all of its facilities and, following a reasonable period of time to provide a proposal in response to the notice, soliciting from such contractors the submission of expressions of interest in, and contractor qualifications for, performing site surveys or investigations and feasibility designs and studies, and including in the notice summary information concerning energy use for any facilities that the agency has specific interest in including in such task or delivery order;

''(B) reviewing all expressions of interest and qualifications submitted pursuant to the notice under subparagraph (A);

''(C) selecting two or more contractors (from among those reviewed under subparagraph (B)) to conduct discussions concerning the contractors' respective qualifications to implement potential energy conservation measures, including—

''(i) requesting references and specific detailed examples with respect to similar efforts and the resulting energy savings of such similar efforts; and

''(ii) requesting an explanation of how such similar efforts relate to the scope and content of the task or delivery order concerned;

''(D) selecting and authorizing—

''(i) more than one contractor (from among those selected under subparagraph (C)) to conduct site surveys, investigations, feasibility designs and studies, or similar assessments for the energy savings performance contract services (or for discrete portions of such services), for the purpose of allowing each such contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures; or

''(ii) one contractor (from among those selected under subparagraph (C)) to conduct a site survey, investigation, feasibility design and study, or similar assessment for the purpose of allowing the contractor to submit a firm, fixed-price proposal to implement specific energy conservation measures;

''(E) providing a debriefing to any contractor not selected under subparagraph (D);

''(F) negotiating a task or delivery order for energy savings performance contracting services with the contractor or contractors selected under subparagraph (D) based on the energy conservation measures identified; and

''(G) issuing a task or delivery order for energy savings performance contracting services to such contractor or contractors.

''(2) The issuance of a task or delivery order for energy savings performance contracting services pursuant to paragraph (1) is deemed to satisfy the task and delivery order competition requirements in section 2304c(d) of title 10, United States Code, and section 303J(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(d)).

''(3) The Secretary may issue guidance as necessary to agencies issuing task or delivery orders pursuant to paragraph (1).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) is inapplicable to task or delivery orders issued before the date of enactment of this Act.

SEC. 829. DEFINITION OF MATERIALS CRITICAL TO NATIONAL SECURITY.

(a) DEFINITIONS.—Section 187 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) DEFINITIONS.—In this section:

''(1) The term 'materials critical to national security' means materials—

''(A) upon which the production or sustainment of military equipment is dependent; and

''(B) the supply of which could be restricted by actions or events outside the control of the Government of the United States.

''(2) The term 'military equipment' means equipment used directly by the armed forces to carry out military operations.

''(3) The term 'secure supply', with respect to a material, means the availability of a source or sources for the material, including the full supply chain for the material and components containing the material.''.

(b) AMENDMENT RELATING TO DUTIES.—Subsection (b) of section 187 of such title is amended to read as follows:

''(b) DUTIES.—In addition to other matters assigned to it by the Secretary of Defense, the Board shall—

''(1) determine the need to provide a long term secure supply of materials designated as critical to national security to ensure that national defense needs are met;

''(2) analyze the risk associated with each material designated as critical to national security and the effect on national defense that the nonavailability of such material would have;

''(3) recommend a strategy to the President to ensure a secure supply of materials designated as critical to national security;

''(4) recommend such other strategies to the President as the Board considers appropriate to strengthen the industrial base with respect to materials critical to national security; and

''(5) publish not less frequently than once every two years in the Federal Register recommendations regarding materials critical to national security, including a list of specialty metals, if any, recommended for addition to, or removal from, the definition of 'specialty metal' for purposes of section 2533b of this title.''.

Subtitle D—Contractor Matters

SEC. 831. OVERSIGHT AND ACCOUNTABILITY OF CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

(a) ENHANCEMENT OF OVERSIGHT AND ACCOUNTABILITY.—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''comply with regulations'' and inserting ''ensure that the contractor and all employees of the contractor or any subcontractor who are responsible for performing private security functions under such contract comply with regulations'';

(B) in subparagraph (B)—

(i) by striking ''comply with'' and all that follows through ''in accordance with'' and inserting ''ensure that the contractor and all

employees of the contractor or any subcontractor who are responsible for performing private security functions under such contract comply with''; and

(ii) by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(D) ensure that the contract clause is included in subcontracts awarded to any subcontractor at any tier who is responsible for performing private security functions under the contract.'';

(2) by redesignating subsections (c) and (d) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (b) the following new subsections:

''(c) OVERSIGHT.—It shall be the responsibility of the head of the contracting activity responsible for each covered contract to ensure that the contracting activity takes appropriate steps to assign sufficient oversight personnel to the contract to—

''(1) ensure that the contractor responsible for performing private security functions under such contract comply with the regulatory requirements prescribed pursuant to subsection (a) and the contract requirements established pursuant to subsection (b); and

''(2) make the determinations required by subsection (d).

''(d) REMEDIES.—The failure of a contractor under a covered contract to comply with the requirements of the regulations prescribed under subsection (a) or the contract clause inserted in a covered contract pursuant to subsection (b), as determined by the contracting officer for the covered contract—

''(1) shall be included in appropriate databases of past performance and considered in any responsibility determination or evaluation of the past performance of the contractor for the purpose of a contract award decision, as provided in section 6(j) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(j));

''(2) in the case of an award fee contract—

''(A) shall be considered in any evaluation of contract performance by the contractor for the relevant award fee period; and

''(B) may be a basis for reducing or denying award fees for such period, or for recovering all or part of award fees previously paid for such period; and

''(3) in the case of a failure to comply that is severe, prolonged, or repeated—

''(A) shall be referred to the suspension or debarment official for the appropriate agency; and

''(B) may be a basis for suspension or debarment of the contractor.

''(e) RULE OF CONSTRUCTION.—The duty of a contractor under a covered contract to comply with the requirements of the regulations prescribed under subsection (a) and the contract clause inserted into a covered contract pursuant to subsection (b), and the availability of the remedies provided in subsection (d), shall not be reduced or diminished by the failure of a higher or lower tier contractor under such contract to comply with such requirements, or by a failure of the contracting activity to provide the oversight required by subsection (c).''.

(b) REVISED REGULATIONS AND CONTRACT CLAUSE.—

(1) DEADLINE FOR REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall revise the regulations prescribed pursuant to section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) to incorporate the requirements of the amendments made by subsection (a).

(2) COMMENCEMENT OF APPLICABILITY OF REVISIONS.—The revision of regulations under paragraph (1) shall apply to the following:

(A) Any contract that is awarded on or after the date that is 120 days after the date of the enactment of this Act.

(B) Any task or delivery order that is issued on or after the date that is 120 days after the date of the enactment of this Act pursuant to a contract that is awarded before, on, or after the date that is 120 days after the date of the enactment of this Act.

(3) COMMENCEMENT OF INCLUSION OF CONTRACT CLAUSE.—A contract clause that reflects the revision of regulations required by the amendments made by subsection (a) shall be inserted, as required by such section 862, into the following:

(A) Any contract described in paragraph (2)(A).

(B) Any task or delivery order described in paragraph (2)(B).

SEC. 832. EXTENSION OF REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS TO AREAS OF OTHER SIGNIFICANT MILITARY OPERATIONS.

(a) AREAS OF OTHER SIGNIFICANT MILITARY OPERATIONS.—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note), as amended by section 831, is further amended—

(1) by striking ''combat operations'' each place it appears and inserting ''combat operations or other significant military operations''; and

(2) in subsection (f), as redesignated by such section 831—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) in paragraph (1)—

(i) by inserting ''either'' after ''constituting''; and

(ii) by adding at the end the following: ''In making designations under this paragraph, the Secretary shall ensure that an area is not designated in whole or part as both an area of combat operations and an area of other significant military operations.''; and

(C) by inserting after paragraph (1) the following new paragraph (2):

''(2) OTHER SIGNIFICANT MILITARY OPERATIONS.—For purposes of this section, the term 'other significant military operations' means activities, other than combat operations, as part of an overseas contingency operation that are carried out by United States Armed Forces in an uncontrolled or unpredictable high-threat environment where personnel performing security functions may be called upon to use deadly force.''.

(b) ADDITIONAL AREAS CONSIDERED FOR DESIGNATION.—

(1) DETERMINATION REQUIRED FOR CERTAIN AREAS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall make a written determination for each of the following areas regarding whether or not the area constitutes an area of combat operations or an area of other significant military operations for purposes of designation as such an area under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note), as amended by this section:

(A) The Horn of Africa region.

(B) Yemen.

(C) The Philippines.

(2) SUBMISSION TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of each written determination under paragraph (1), together with an explanation of the basis for such determination.

(c) LIMITATION AND EXCEPTION.—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note), as amended by subsection (a) and by section 831, is further amended—

(1) by redesignating subsection (g), as redesignated by such section 831, as subsection (h) and inserting after subsection (f) the following new subsection (g):

''(g) LIMITATION.—With respect to an area of other significant military operations, the requirements of this section shall apply only upon agreement of the Secretary of Defense and the Secretary of State. An agreement of the Secretaries under this subsection may be made only on an area-by-area basis. With respect to an area of combat operations, the requirements of this section shall always apply.''; and

(2) in subsection (h), as so redesignated—

(A) by striking the subsection designation and ''EXCEPTION.—'' and inserting the following:

''(h) EXCEPTIONS.—

''(1) INTELLIGENCE ACTIVITIES.—''; and

(B) by adding at the end the following new paragraph:

''(2) NONGOVERNMENTAL ORGANIZATIONS.—The requirements of this section shall not apply to a nonprofit nongovernmental organization receiving grants or cooperative agreements for activities conducted within an area of other significant military operations if the Secretary of Defense and the Secretary of State agree that such organization may be exempted. An exemption may be granted by the agreement of the Secretaries under this paragraph on an organization-by-organization or area-by-area basis. Such an exemption may not be granted with respect to an area of combat operations.''.

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after a designation of an area as an area of combat operations or an area of other significant military operations pursuant to subsection (b)(2), the Secretary of Defense, in coordination with the Secretary of State, shall submit to Congress a report on steps taken or planned to be taken to implement the regulations prescribed under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) in such area. In the case of any agreement by the Secretaries to limit the applicability of such section or exempt nongovernmental organizations from such section, pursuant to subsections (g) or (h)(1) of such section (as added by subsection (c)), the report shall document the basis for such agreement.

SEC. 833. STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS.

(a) REVIEW OF THIRD-PARTY STANDARDS AND CERTIFICATION PROCESSES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) determine whether the private sector has developed—

(A) operational and business practice standards applicable to private security contractors; and

(B) third-party certification processes for determining whether private security contractors adhere to standards described in subparagraph (A); and

(2) review any standards and processes identified pursuant to paragraph (1) to determine whether the application of such standards and processes will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations.

(b) REVISED REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the regulations promulgated under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) to ensure that such regulations—

(1) establish criteria for defining standard practices for the performance of private security functions, which shall reflect input from industry representatives as well as the Inspector General of the Department of Defense; and

(2) establish criteria for weapons training programs for contractors performing private security functions, including minimum requirements for weapons training programs of instruction and minimum qualifications for instructors for such programs.

(c) INCLUSION OF THIRD-PARTY STANDARDS AND CERTIFICATIONS IN REVISED REGULATIONS.—

(1) STANDARDS.—If the Secretary determines that the application of operational and business practice standards identified pursuant to subsection (a)(1)(A) will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations, the revised regulations promulgated pursuant to subsection (b) shall incorporate a requirement to comply with such standards, subject to such exceptions as the Secretary may determine to be necessary.

(2) CERTIFICATIONS.—If the Secretary determines that the application of a third-party certification process identified pursuant to subsection (a)(1)(B) will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations, the revised regulations promulgated pursuant to subsection (b) may provide for the consideration of such certifications as a factor in the evaluation of proposals for award of a covered contract for the provision of private security functions, subject to such exceptions as the Secretary may determine to be necessary.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term ''covered contract'' means—

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

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

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

(2) CONTRACTOR.—The term ''contractor'' means, with respect to a covered contract, the contractor or subcontractor carrying out the covered contract.

(3) PRIVATE SECURITY FUNCTIONS.—The term ''private security functions'' means activities engaged in by a contractor under a covered contract as follows:

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

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

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

SEC. 834. 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.

(a) EXPANSION OF DISPOSITIONS SUBJECT TO AUTHORITY.—Section 823 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2412; 10 U.S.C. 2302 note) is amended—

(1) in subsection (c), by adding at the end the following new paragraph:

''(5) In an administrative proceeding, a final determination of contractor fault by the Secretary of Defense pursuant to subsection (d).'';

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

''(d) DETERMINATIONS OF CONTRACTOR FAULT BY SECRETARY OF DEFENSE.—

''(1) IN GENERAL.—In any case described by paragraph (2), the Secretary of Defense shall—

''(A) provide for an expeditious independent investigation of the causes of the serious bodily injury or death alleged to have been caused by the contractor as described in that paragraph; and

''(B) make a final determination, pursuant to procedures established by the Secretary for purposes of this subsection, whether the contractor, in the performance of a covered contract, caused such serious bodily injury or death through gross negligence or with reckless disregard for the safety of civilian or military personnel of the Government.

''(2) COVERED CASES.—A case described in this paragraph is any case in which the Secretary has reason to believe that—

''(A) a contractor, in the performance of a covered contract, may have caused the serious bodily injury or death of any civilian or military personnel of the Government; and

''(B) such contractor is not subject to the jurisdiction of United States courts.

''(3) CONSTRUCTION OF DETERMINATION.—A final determination under this subsection may be used only for the purpose of evaluating contractor performance, and shall not be determinative of fault for any other purpose.''.

(b) DEFINITION OF CONTRACTOR.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (a)(2) of this section, is amended to read as follows:

''(1) The term 'contractor' means a company awarded a covered contract and a subcontractor at any tier under such contract.''.

(c) TECHNICAL AMENDMENT.—Subsection (c) of such section is further amended in the matter preceding paragraph (1) by striking ''subsection (a)'' and inserting ''subsection (b)''.

(d) INCLUSION OF DETERMINATIONS OF CONTRACTOR FAULT IN DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.—Section 872(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4556) is amended by adding at the end the following new subparagraph:

''(E) In an administrative proceeding, a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note).''.

(e) EFFECTIVE DATE.—The requirements of section 823 of the National Defense Authorization Act for Fiscal Year 2010, as amended by subsections (a) through (c), shall apply with respect to the following:

(1) Any contract entered into on or after the date of the enactment of this Act.

(2) Any task order or delivery order issued on or after the date of the enactment of this Act under a contract entered into before, on, or after that date.

SEC. 835. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

Section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2302 note) is amended to read as follows:

''SEC. 863. ANNUAL JOINT REPORT AND COMPTROLLER GENERAL REVIEW ON CONTRACTING IN IRAQ AND AFGHANISTAN.

''(a) JOINT REPORT REQUIRED.—

''(1) IN GENERAL.—Except as provided in paragraph (6), every 12 months, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall submit to the relevant committees of Congress a joint report on contracts in Iraq or Afghanistan.

''(2) PRIMARY MATTERS COVERED.—A report under this subsection shall, at a minimum, cover the following with respect to contracts in Iraq and Afghanistan during the reporting period:

''(A) Total number of contracts awarded.

''(B) Total number of active contracts.

''(C) Total value of all contracts awarded.

''(D) Total value of active contracts.

''(E) The extent to which such contracts have used competitive procedures.

''(F) Total number of contractor personnel working on contracts at the end of each quarter of the reporting period.

''(G) Total number of contractor personnel who are performing security functions at the end of each quarter of the reporting period.

''(H) Total number of contractor personnel killed or wounded.

''(3) ADDITIONAL MATTERS COVERED.—A report under this subsection shall also cover the following:

''(A) The sources of information and data used to compile the information required under paragraph (2).

''(B) A description of any known limitations of the data reported under paragraph (2), including known limitations of the methodology and data sources used to compile the report.

''(C) Any plans for strengthening collection, coordination, and sharing of information on contracts in Iraq and Afghanistan through improvements to the common databases identified under section 861(b)(4).

''(4) REPORTING PERIOD.—A report under this subsection shall cover a period of not less than 12 months.

''(5) SUBMISSION OF REPORTS.—The Secretaries and the Administrator shall submit an initial report under this subsection not later than February 1, 2011, and shall submit an updated report by February 1 of every year thereafter until February 1, 2013.

''(6) EXCEPTION.—If the total annual amount of obligations for contracts in Iraq and Afghanistan combined is less than $250,000,000 for the reporting period, for all three agencies combined, the Secretaries and the Administrator may submit, in lieu of a report, a letter stating the applicability of this paragraph, with such documentation as the Secretaries and the Administrator consider appropriate.

''(7) ESTIMATES.—In determining the total number of contractor personnel working on contracts under paragraph (2)(F), the Secretaries and the Administrator may use estimates for any category of contractor personnel for which they determine it is not feasible to provide an actual count. The report shall fully disclose the extent to which estimates are used in lieu of an actual count.

''(b) COMPTROLLER GENERAL REVIEW AND REPORT.—

''(1) IN GENERAL.—Within 180 days after submission of each annual joint report required under subsection (a), but in no case later than August 5 of each year until 2013, the Comptroller General of the United States shall review the joint report and submit to the relevant committees of Congress a report on such review.

''(2) MATTERS COVERED.—A report under this subsection shall, at minimum—

''(A) assess the data and data sources used in developing the joint report;

''(B) review how the Department of Defense, the Department of State, and the United States Agency for International Development are using the data and the data sources used to develop the joint report in

managing, overseeing, and coordinating contracting in Iraq and Afghanistan;

''(C) assess the plans of the departments and agency for strengthening or improving the common databases identified under section 861(b)(4); and

''(D) review and make recommendations on any specific contract or class of contracts that the Comptroller General determines raises issues of significant concern.

''(3) ACCESS TO DATABASES AND OTHER INFORMATION.—The Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall provide to the Comptroller General full access to information on contracts in Iraq and Afghanistan for the purposes of the review carried out under this subsection, including the common databases identified under section 861(b)(4).''.

Subtitle E—Other Matters

SEC. 841. IMPROVEMENTS TO STRUCTURE AND FUNCTIONING OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) VICE CHAIRMAN OF JOINT CHIEFS OF STAFF TO BE CHAIRMAN OF COUNCIL.—Subsection (c) of section 181 of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''Vice'' before ''Chairman of the Joint Chiefs of Staff'';

(2) in paragraph (2), by striking '', other than the Chairman of the Joint Chiefs of Staff,'' and inserting ''under subparagraphs (B), (C), (D), and (E) of paragraph (1)''; and

(3) by striking paragraph (3).

(b) ROLE OF COMMANDERS OF COMBATANT COMMANDS AS MEMBERS OF COUNCIL.—Paragraph (1) of subsection (c) of such section is further amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) in addition, when directed by the chairman, the commander of any combatant command (or, as directed by that commander, the deputy commander of that command) when matters related to the area of responsibility or functions of that command will be under consideration by the Council.''.

(c) CIVILIAN ADVISORS.—

(1) ADDITIONAL CIVILIAN ADVISORS.—Subsection (d) of such section is amended by striking ''The Under Secretary'' and all that follows through ''and expertise.'' and inserting: ''The following officials of the Department of Defense shall serve as advisors to the Council on matters within their authority and expertise:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense (Comptroller).

''(C) The Under Secretary of Defense for Policy.

''(D) The Director of Cost Assessment and Program Evaluation.

''(E) The Director of Operational Test and Evaluation.

''(F) Such other civilian officials of the Department of Defense as are designated by the Secretary of Defense for purposes of this subsection.''.

(2) CONFORMING AMENDMENT.—Subsection (b)(3) of such section is amended by striking ''Under Secretary of Defense (Comptroller), the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Director of Cost Assessment and Performance Evaluation'' and inserting ''advisors to the Council under subsection (d)''.

(d) RECOGNITION OF PERMANENT NATURE OF COUNCIL.—Subsection (a) of such section is amended by striking ''The Secretary of Defense shall establish'' and inserting ''There is''.

SEC. 842. DEPARTMENT OF DEFENSE POLICY ON ACQUISITION AND PERFORMANCE OF SUSTAINABLE PRODUCTS AND SERVICES.

(a) FINDING.—Congress finds the following:

(1) Executive Order No. 13514, dated October 5, 2009, requires the departments and agencies of the Federal Government to establish an integrated strategy towards the procurement of sustainable products and services.

(2) The Department of Defense Strategic Sustainability Performance Plan, issued in August 2010, provides a framework for the Department's compliance with Executive Order No. 13514 and other applicable sustainability requirements.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the achievement by the Department of Defense of the objectives and goals on the procurement of sustainable products and services established by section 2(h) of Executive Order No. 13514.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the actions taken, and to be taken, by the Department to identify particular sustainable products and services that contribute to the achievement of the objectives and goals described in paragraph (1).

(B) An assessment of the tools available to the Department to promote the use of particular sustainable products and services identified pursuant to the actions described in subparagraph (A) across the Department, and a description of the actions taken, and to be taken, by the Department to use such tools.

(C) A description of strategies and tools identified by the Department that could assist the other departments and agencies of the Federal Government in procuring sustainable products and services, including a description of mechanisms for sharing best practices in such procurement, as identified by the Department, among the other departments and agencies of the Federal Government.

(D) An assessment of the progress the Department has made toward the achievement of the objectives and goals described in paragraph (1), including the scorecard identified in its Strategic Sustainability Performance Plan.

SEC. 843. ASSESSMENT AND PLAN FOR CRITICAL RARE EARTH MATERIALS IN DEFENSE APPLICATIONS.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake an assessment of the supply and demand for rare earth materials in defense applications and identify which, if any, rare earth material meets both of the following criteria:

(A) The rare earth material is critical to the production, sustainment, or operation of significant United States military equipment.

(B) The rare earth material is subject to interruption of supply, based on actions or events outside the control of the Government of the United States.

(2) EVALUATION OF SUPPLY.—The assessment shall include a comprehensive evaluation of the long-term security and availability of all aspects of the supply chain for rare earth materials in defense applications, particularly the location and number of sources at each step of the supply chain, including—

(A) mining of rare earth ores;

(B) separation of rare earth oxides;

(C) refining and reduction of rare earth metals;

(D) creation of rare earth alloys;

(E) manufacturing of components and systems containing rare earth materials; and

(F) recycling of components and systems to reclaim and reuse rare earth materials.

(3) EVALUATION OF DEMAND.—The assessment shall include a comprehensive evaluation of the demand for and usage of rare earth materials in all defense applications, including—

(A) approximations of the total amounts of individual rare earth materials used in defense applications;

(B) determinations of which, if any, defense applications are dependent upon rare earth materials for proper operation and functioning; and

(C) assessments of the feasibility of alternatives to usage of rare earth materials in defense applications.

(4) OTHER STUDIES AND AGENCIES.—Any applicable studies conducted by the Department of Defense, the Comptroller General of the United States, or other Federal agencies during fiscal year 2010 may be considered as partial fulfillment of the requirements of this section. The Secretary may consider the views of other Federal agencies, as appropriate.

(5) SPECIFIC MATERIAL INCLUDED.—At a minimum, the Secretary shall identify sintered neodymium iron boron magnets as meeting the criteria specified in paragraph (1).

(b) PLAN.—For each rare earth material identified pursuant to subsection (a)(1), the Secretary shall develop a plan to ensure the long-term availability of such rare earth material, with a goal of establishing an assured source of supply of such material in critical defense applications by December 31, 2015. In developing the plan, the Secretary shall consider all aspects of the material's supply chain, as described in subsection (a)(2). The plan shall include consideration of numerous risk mitigation methods with respect to the material, including—

(1) an assessment of including the material in the National Defense Stockpile;

(2) in consultation with the United States Trade Representative, the identification of any trade practices known to the Secretary that limit the Secretary's ability to ensure the long-term availability of such material or the ability to meet the goal of establishing an assured source of supply of such material by December 31, 2015;

(3) an assessment of the availability of financing to industry, academic institutions, or not-for-profit entities to provide the capacity required to ensure the availability of the material, as well as potential mechanisms to increase the availability of such financing;

(4) an assessment of the benefits, if any, of Defense Production Act funding to support the establishment of an assured source of supply for military components;

(5) an assessment of funding for research and development related to any aspect of the rare earth material supply chain or research on alternatives and substitutes;

(6) any other risk mitigation method determined appropriate by the Secretary that is consistent with the goal of establishing an assured source of supply by December 31, 2015; and

(7) for steps of the rare earth material supply chain for which no other risk mitigation method, as described in paragraphs (1) through (6), will ensure an assured source of supply by December 31, 2015, a specific plan to eliminate supply chain vulnerability by the earliest date practicable.

(c) REPORT.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the

congressional committees described in paragraph (2) a report containing the findings of the assessment required under subsection (a) and the plan developed under subsection (b).

(2) CONGRESSIONAL COMMITTEES.—The congressional committees described in this paragraph are as follows:

(A) The congressional defense committees.

(B) The Committee on Science and Technology, the Committee on Financial Services, and the Committee on Ways and Means of the House of Representatives.

(C) The Committee on Energy and Natural Resources, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 844. REVIEW OF NATIONAL SECURITY EXCEPTION TO COMPETITION.

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall review the use of the national security exception to full and open competition provided in section 2304(c)(6) of title 10, United States Code, by the Department of Defense.

(b) MATTERS REVIEWED.—The review of the use of the national security exception required by subsection (a) shall include—

(1) the pattern of usage of such exception by acquisition organizations within the Department to determine which organizations are commonly using the exception and the frequency of such usage;

(2) the range of items or services being acquired through the use of such exception;

(3) the process for reviewing and approving justifications involving such exception;

(4) whether the justifications for use of such exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of such exception;

(5) issues associated with follow-on procurements for items or services acquired using such exception; and

(6) potential additional instances where such exception could be applied and any authorities available to the Department other than such exception that could be applied in such instances.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Secretary considers appropriate. The report shall be submitted in unclassified form but may include a classified annex.

SEC. 845. REQUIREMENT FOR ENTITIES WITH FACILITY CLEARANCES THAT ARE NOT UNDER FOREIGN OWNERSHIP CONTROL OR INFLUENCE MITIGATION.

(a) REQUIREMENT.—The Secretary of Defense shall develop a plan to ensure that covered entities employ and maintain policies and procedures that meet requirements under the national industrial security program. In developing the plan, the Secretary shall consider whether or not covered entities, or any category of covered entities, should be required to establish government security committees similar to those required for companies that are subject to foreign ownership control or influence mitigation measures.

(b) COVERED ENTITY.—A covered entity under this section is an entity—

(1) to which the Department of Defense has granted a facility clearance; and

(2) that is not subject to foreign ownership control or influence mitigation measures.

(c) GUIDANCE.—The Secretary of Defense shall issue guidance, including appropriate compliance mechanisms, to implement the requirement in subsection (a). To the extent determined appropriate by the Secretary, the guidance shall require covered entities, or any category of covered entities, to establish government security committees similar to those required for companies that are subject to foreign ownership control or influence mitigation measures.

(d) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the plan developed pursuant to subsection (a) and the guidance issued pursuant to subsection (c). The report shall specifically address the rationale for the Secretary's decision on whether or not to require covered entities, or any category of covered entities, to establish government security committees similar to those required for companies that are subject to foreign ownership control or influence mitigation measures.

SEC. 846. PROCUREMENT OF PHOTOVOLTAIC DEVICES.

(a) CONTRACT REQUIREMENT.—The Secretary of Defense shall ensure that each contract described in subsection (b) awarded by the Department of Defense includes a provision requiring the photovoltaic devices provided under the contract to comply with the Buy American Act (41 U.S.C. 10a et seq.), subject to the exceptions to that Act provided in the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.) or otherwise provided by law.

(b) CONTRACTS DESCRIBED.—The contracts described in this subsection include energy savings performance contracts, utility service contracts, land leases, and private housing contracts, to the extent that such contracts result in ownership of photovoltaic devices by the Department of Defense. For the purposes of this section, the Department of Defense is deemed to own a photovoltaic device if the device is—

(1) installed on Department of Defense property or in a facility owned by the Department of Defense; and

(2) reserved for the exclusive use of the Department of Defense for the full economic life of the device.

(c) DEFINITION OF PHOTOVOLTAIC DEVICES.—In this section, the term ''photovoltaic devices'' means devices that convert light directly into electricity through a solid-state, semiconductor process.

SEC. 847. NON-AVAILABILITY EXCEPTION FROM BUY AMERICAN REQUIREMENTS FOR PROCUREMENT OF HAND OR MEASURING TOOLS.

Section 2533a(c) of title 10, United States Code, is amended by striking ''subsection (b)(1)'' and inserting ''subsection (b)''.

SEC. 848. CONTRACTOR LOGISTICS SUPPORT OF CONTINGENCY OPERATIONS.

(a) DEFENSE SCIENCE BOARD REVIEW OF ORGANIZATION, TRAINING, AND PLANNING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a review of Department of Defense organization, doctrine, training, and planning for contractor logistics support of contingency operations.

(b) MATTERS TO BE ADDRESSED.—

(1) IN GENERAL.—The matters addressed by the review required by subsection(a) shall include, at a minimum, the following:

(A) Department of Defense policies and procedures for planning for contractor logistics support of contingency operations.

(B) Department organization and staffing for the implementation of such policies and procedures.

(C) The development of Department doctrine for contractor logistics support of contingency operations.

(D) The training of Department military and civilian personnel for the planning, management, and oversight of contractor logistics support of contingency operations.

(E) The extent to which the Department should rely upon contractor logistics support in future contingency operations, and the risks associated with reliance on such support.

(F) Any logistics support functions for contingency operations for which the Department should establish or retain an organic capability.

(G) The scope and level of detail on contractor logistics support of contingency operations that is currently included in operational plans, and that should be included in operational plans.

(H) Contracting mechanisms and contract vehicles that are currently used, and should be used, to provide contractor logistics support of contingency operations.

(I) Department organization and staffing for the management and oversight of contractor logistics support of contingency operations.

(J) Actions that could be taken to improve Department management and oversight of contractors providing logistics support of contingency operations.

(K) The extent to which logistics support of contingency operations has been, and should be, provided by subcontractors, and the advantages and disadvantages of reliance upon subcontractors for that purpose.

(L) The extent to which logistics support of contingency operations has been, and should be, provided by local nationals and third country nationals, and the advantages and disadvantages of reliance upon such sources for that purpose.

(2) FINDINGS AND RECOMMENDATIONS.—The review required by subsection (a) shall include findings and recommendations related to—

(A) legislative or policy guidance to address the matters listed in paragraph (1); and

(B) whether and to what extent the quadrennial defense review (conducted pursuant to section 118 of title 10, United States Code) or assessments by the Chairman of the Joint Chiefs of Staff for the biennial review of the national military strategy (conducted pursuant to section 153(d) of such title) should be required to address requirements for contractor support of the Armed Forces in conducting peacetime training, peacekeeping, overseas contingency operations, and major combat operations, and the risks associated with such support.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review required by subsection (a). The report shall include the findings and recommendations of the Defense Science Board, including such recommendations for legislative or administrative action as the Board considers appropriate, together with any comments the Secretary considers appropriate.

Subtitle F—Improve Acquisition Act

SEC. 860. SHORT TITLE.

This subtitle may be cited as the ''Improve Acquisition Act of 2010''.

PART I—DEFENSE ACQUISITION SYSTEM

SEC. 861. IMPROVEMENTS TO THE MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.

(a) MANAGEMENT OF THE DEFENSE ACQUISITION SYSTEM.—Part IV of title 10, United States Code, is amended by inserting after chapter 148 the following new chapter:

''CHAPTER 149—DEFENSE ACQUISITION SYSTEM

''Sec.

''2545. Definitions.
''2546. Civilian management of the defense acquisition system.
''2547. Acquisition-related functions of chiefs of the armed forces.
''2548. Performance assessments of the defense acquisition system.

''§ 2545. Definitions

''In this chapter:

''(1) The term 'acquisition' has the meaning provided in section 4(16) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(16)).

''(2) The term 'defense acquisition system' means the workforce engaged in carrying out the acquisition of property and services for the Department of Defense; the management structure responsible for directing and overseeing the acquisition of property and services for the Department of Defense; and the statutory, regulatory, and policy framework that guides the acquisition of property and services for the Department of Defense.

''(3) The term 'element of the defense acquisition system' means an organization that employs members of the acquisition workforce, carries out acquisition functions, and focuses primarily on acquisition.

''(4) The term 'acquisition workforce' has the meaning provided in section 101(a)(18) of this title.

''§ 2546. Civilian management of the defense acquisition system

''(a) RESPONSIBILITY OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Subject to the authority, direction and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall be responsible for the management of the defense acquisition system and shall exercise such control of the system and perform such duties as are necessary to ensure the successful and efficient operation of the defense acquisition system, including the duties enumerated and assigned to the Under Secretary elsewhere in this title.

''(b) RESPONSIBILITY OF THE SERVICE ACQUISITION EXECUTIVES.—Subject to the direction of the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters pertaining to acquisition, and subject to the authority, direction, and control of the Secretary of the military department concerned, a service acquisition executive of a military department shall be responsible for the management of elements of the defense acquisition system in that military department and shall exercise such control of the system and perform such duties as are necessary to ensure the successful and efficient operation of such elements of the defense acquisition system.

''§ 2547. Acquisition-related functions of chiefs of the armed forces

''(a) PERFORMANCE OF CERTAIN ACQUISITION-RELATED FUNCTIONS.—The Secretary of Defense shall ensure that the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps assist the Secretary of the military department concerned in the performance of the following acquisition-related functions of such department:

''(1) The development of requirements relating to the defense acquisition system (subject, where appropriate, to validation by the Joint Requirements Oversight Council pursuant to section 181 of this title).

''(2) The coordination of measures to control requirements creep in the defense acquisition system.

''(3) The development of career paths in acquisition for military personnel (as required by section 1722a of this title).

''(4) The assignment and training of contracting officer representatives when such representatives are required to be members of the armed forces because of the nature of the contract concerned.

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the assignment of functions under section 3014(c)(1)(A), section 5014(c)(1)(A), or section 8014(c)(1)(A) of this title, except as explicitly provided in this section.

''(c) DEFINITIONS.—In this section:

''(1) The term 'requirements creep' means the addition of new technical or operational specifications after a requirements document is approved by the appropriate validation authority for the requirements document.

''(2) The term 'requirements document' means a document produced in the requirements process that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—

''(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;

''(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or

''(C) identifies production attributes required for a single increment of a program.

''§ 2548. Performance assessments of the defense acquisition system

''(a) PERFORMANCE ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Director of Procurement and Acquisition Policy, and the Director of the Office of Performance Assessment and Root Cause Analysis, shall issue guidance, with detailed implementation instructions, for the Department of Defense to provide for periodic independent performance assessments of elements of the defense acquisition system for the purpose of—

''(1) determining the extent to which such elements of the defense acquisition system deliver value to the Department of Defense, taking into consideration the performance elements identified in subsection (b);

''(2) assisting senior officials of the Department of Defense in identifying and developing lessons learned from best practices and shortcomings in the performance of such elements of the defense acquisition system; and

''(3) assisting senior officials of the Department of Defense in developing acquisition workforce excellence under section 1701a of this title

''(b) AREAS CONSIDERED IN PERFORMANCE ASSESSMENTS.—(1) Each performance assessment conducted pursuant to subsection (a) shall consider, at a minimum—

''(A) the extent to which acquisitions conducted by the element of the defense acquisition system under review meet applicable cost, schedule, and performance objectives; and

''(B) the staffing and quality of the acquisition workforce and the effectiveness of the management of the acquisition workforce, including workforce incentives and career paths.

''(2) The Secretary of Defense shall ensure that the performance assessments required by this section are appropriately tailored to reflect the diverse nature of the work performed by each element of the defense acquisition system. In addition to the mandatory areas under paragraph (1), a performance assessment may consider, as appropriate, specific areas of acquisition concern, such as—

''(A) the selection of contractors, including—

''(i) the extent of competition and the use of exceptions to competition requirements;

''(ii) compliance with Department of Defense policies regarding the participation of small business concerns and various categories of small business concerns, including the use of contract bundling and the availability of non-bundled contract vehicles;

''(iii) the quality of market research;

''(iv) the effective consideration of contractor past performance; and

''(v) the number of bid protests, the extent to which such bid protests have been successful, and the reasons for such success;

''(B) the negotiation of contracts, including—

''(i) the appropriate application of section 2306a of this title (relating to truth in negotiations);

''(ii) the appropriate use of contract types appropriate to specific procurements;

''(iii) the appropriate use of performance requirements;

''(iv) the appropriate acquisition of technical data and other rights and assets necessary to support long-term sustainment and follow-on procurement; and

''(v) the timely definitization of any undefinitized contract actions; and

''(C) the management of contractor performance, including—

''(i) the assignment of appropriately qualified contracting officer representatives and other contract management personnel;

''(ii) the extent of contract disputes, the reasons for such disputes, and the extent to which they have been successfully addressed;

''(iii) the appropriate consideration of long-term sustainment and energy efficiency objectives; and

''(iv) the appropriate use of integrated testing.

''(c) CONTENTS OF GUIDANCE.—The guidance issued pursuant to subsection (a) shall ensure that each element of the defense acquisition system is subject to a performance assessment under this section not less often than once every four years, and shall address, at a minimum—

''(1) the designation of elements of the defense acquisition system that are subject to performance assessment at an organizational level that ensures such assessments can be performed in an efficient and integrated manner;

''(2) the frequency with which such performance assessments should be conducted;

''(3) goals, standards, tools, and metrics for use in conducting performance assessments;

''(4) the composition of the teams designated to perform performance assessments;

''(5) any phase-in requirements needed to ensure that qualified staff are available to perform performance assessments;

''(6) procedures for tracking the implementation of recommendations made pursuant to performance assessments;

''(7) procedures for developing and disseminating lessons learned from performance assessments; and

''(8) procedures for ensuring that information from performance assessments are retained electronically and are provided in a timely manner to the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of the Office of Performance Assessment and Root Cause Analysis as needed to assist them in performing their responsibilities under this section.

''(d) PERFORMANCE GOALS UNDER GOVERNMENT PERFORMANCE RESULTS ACT OF 1993.—Beginning with fiscal year 2012, the annual performance plan prepared by the Department of Defense pursuant to section 1115 of

title 31 shall include appropriate performance goals for elements of the defense acquisition system.

''(e) REPORTING REQUIREMENTS.—Beginning with fiscal year 2012—

''(1) the annual report prepared by the Secretary of Defense pursuant to section 1116 of title 31, United States Code, shall address the Department's success in achieving performance goals established pursuant to such section for elements of the defense acquisition system; and

''(2) the annual report prepared by the Director of the Office of Performance Assessment and Root Cause Analysis pursuant to section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note), shall include information on the activities undertaken by the Department pursuant to such section, including a summary of significant findings or recommendations arising out of performance assessments.''.

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 148 the following new item:

''149. Defense Acquisition System ..... 2545''.

SEC. 862. COMPTROLLER GENERAL REPORT ON JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall carry out a comprehensive review of the Joint Capabilities Integration and Development System (in this section referred to as ''JCIDS''). Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the review and include in such report any recommendations the Comptroller General considers necessary and advisable to improve or replace JCIDS.

(b) CONTENT OF THE REVIEW.—

(1) PURPOSE.—The purpose of the review required by subsection (a) is to evaluate the effectiveness of JCIDS in achieving the following objectives:

(A) Timeliness in delivering capability to the warfighter.

(B) Efficient use of the investment resources of the Department of Defense.

(C) Control of requirements creep.

(D) Responsiveness to changes occurring after the approval of a requirements document (including changes to the threat environment, the emergence of new capabilities, or changes in the resources estimated to procure or sustain a capability).

(E) Development of the personnel skills, capacity, and training needed for an effective and efficient requirements process.

(2) MATTERS CONSIDERED.—In performing the review, the Comptroller General shall gather information on and consider the following matters:

(A) The time that requirements documents take to receive approval through JCIDS.

(B) The quality of cost information considered in JCIDS and the extent of its consideration.

(C) The extent to which JCIDS establishes a meaningful level of priority for requirements.

(D) The extent to which JCIDS is considering trade-offs between cost, schedule, and performance objectives.

(E) The quality of information on sustainment considered in JCIDS and the extent to which sustainment information is considered.

(F) An evaluation of the advantages and disadvantages of designating a commander of a unified combatant command for each requirements document for which the Joint Requirements Oversight Council is the validation authority to provide a joint evaluation task force to participate in a materiel solution and to—

(i) provide input to the analysis of alternatives;

(ii) participate in testing (including limited user tests and prototype testing);

(iii) provide input on a concept of operations and doctrine;

(iv) provide end user feedback to the resource sponsor; and

(v) participate, through the combatant commander concerned, in any alteration of the requirement for such solution.

(c) DEFINITIONS.—In this section:

(1) JOINT CAPABILITIES INTEGRATION AND DEVELOPMENT SYSTEM.—The term ''Joint Capabilities Integration and Development System'' means the system for the assessment, review, validation, and approval of joint warfighting requirements that is described in Chairman of the Joint Chiefs of Staff Instruction 3170.01G

(2) REQUIREMENTS DOCUMENT.—The term ''requirements document'' means a document produced in JCIDS that is provided for an acquisition program to guide the subsequent development, production, and testing of the program and that—

(A) justifies the need for a materiel approach, or an approach that is a combination of materiel and non-materiel, to satisfy one or more specific capability gaps;

(B) details the information necessary to develop an increment of militarily useful, logistically supportable, and technically mature capability, including key performance parameters; or

(C) identifies production attributes required for a single increment of a program.

(3) REQUIREMENTS CREEP.—The term ''requirements creep'' means the addition of new technical or operational specifications after a requirements document is approved.

(4) MATERIEL SOLUTION.—The term ''materiel solution'' means the development, acquisition, procurement, or fielding of a new item, or of a modification to an existing item, necessary to equip, operate, maintain, and support military activities.

SEC. 863. REQUIREMENTS FOR THE ACQUISITION OF SERVICES.

(a) ESTABLISHMENT OF REQUIREMENTS PROCESSES FOR THE ACQUISITION OF SERVICES.—The Secretary of Defense shall ensure that the military departments and Defense Agencies each establish a process for identifying, assessing, reviewing, and validating requirements for the acquisition of services.

(b) OPERATIONAL REQUIREMENTS.—With regard to requirements for the acquisition of services in support of combatant commands and military operations, the Secretary shall ensure—

(1) that the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps implement and bear chief responsibility for carrying out, within the Armed Force concerned, the process established pursuant to subsection (a) for such Armed Force; and

(2) that commanders of unified combatant commands and other officers identified or designated as joint qualified officers have an opportunity to participate in the process of each military department to provide input on joint requirements for the acquisition of services.

(c) SUPPORTING REQUIREMENTS.—With regard to requirements for the acquisition of services not covered by subsection (b), the Secretary shall ensure that the secretaries of the military departments and the heads of the Defense Agencies implement and bear chief responsibility for carrying out, within the military department or Defense Agency concerned, the process established pursuant to subsection (a) for such military department or Defense Agency.

(d) IMPLEMENTATION PLANS REQUIRED.—The Secretary shall ensure that an implementation plan is developed for each process established pursuant to subsection (a) that addresses, at a minimum, the following:

(1) The organization of such process.

(2) The level of command responsibility required for identifying, assessing, reviewing, and validating requirements for the acquisition of services in accordance with the requirements of this section and the categories established under section 2330(a)(1)(C) of title 10, United States Code.

(3) The composition of positions necessary to operate such process.

(4) The training required for personnel engaged in such process.

(5) The relationship between doctrine and such process.

(6) Methods of obtaining input on joint requirements for the acquisition of services.

(7) Procedures for coordinating with the acquisition process.

(8) Considerations relating to opportunities for strategic sourcing.

(e) MATTERS REQUIRED IN IMPLEMENTATION PLAN.—Each plan required under subsection (d) shall provide for initial implementation of a process for identifying, assessing, reviewing, and validating requirements for the acquisition of services not later than one year after the date of the enactment of this Act and shall provide for full implementation of such process at the earliest date practicable.

(f) CONSISTENCY WITH JOINT GUIDANCE.—Whenever, at any time, guidance is issued by the Chairman of the Joint Chiefs of Staff relating to requirements for the acquisition of services in support of combatant commands and military operations, each process established pursuant to subsection (a) shall be revised in accordance with such joint guidance.

(g) DEFINITION.—The term ''requirements for the acquisition of services'' means objectives to be achieved through acquisitions primarily involving the procurement of services.

(h) REVIEW OF SUPPORTING REQUIREMENTS TO IDENTIFY SAVINGS.—The secretaries of the military departments and the heads of the Defense Agencies shall review and validate each requirement described in subsection (c) with an anticipated cost in excess of $10,000,000 with the objective of identifying unneeded or low priority requirements that can be reduced or eliminated, with the savings transferred to higher priority objectives. Savings identified and transferred to higher priority objectives through review and revalidation under this subsection shall count toward the savings objectives established in the June 4, 2010, guidance of the Secretary of Defense on improved operational efficiencies and the annual reduction in funding for service support contractors required by the August 16, 2010, guidance of the Secretary of Defense on efficiency initiatives. As provided by the Secretary, cost avoidance shall not count toward these objectives.

(i) EXTENSION OF AUTHORITY.—Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking ''September 30, 2010'' and inserting ''December 31, 2011''.

SEC. 864. REVIEW OF DEFENSE ACQUISITION GUIDANCE.

(a) REVIEW OF GUIDANCE.—The Secretary of Defense shall review the acquisition guidance of the Department of Defense, including, at a minimum, the guidance contained in Department of Defense Instruction 5000.02 entitled ''Operation of the Defense Acquisition System''.

(b) MATTERS CONSIDERED.—The review performed under subsection (a) shall consider—

(1) the extent to which the acquisition of commercial goods and commodities, commercial and military unique services, and information technology should be addressed in Department of Defense Instruction 5000.02 and other guidance primarily relating to the acquisition of weapon systems, or should be addressed in separate instructions and guidance;

(2) whether long-term sustainment and energy efficiency of weapon systems is appropriately emphasized;

(3) whether appropriate mechanisms exist to communicate information relating to the mission needs of the Department of Defense to the industrial base in a way that allows the industrial base to make appropriate investments in infrastructure, capacity, and technology development to help meet such needs;

(4) the extent to which earned value management should be required on acquisitions not involving the acquisition of weapon systems and whether measures of quality and technical performance should be included in any earned value management system; and

(5) such other matters as the Secretary considers appropriate.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing any changes in the acquisition guidance of the Department of Defense identified during the review required by subsection (a), and any actions taken, or planned to be taken, to implement such changes.

SEC. 865. REQUIREMENT TO REVIEW REFERENCES TO SERVICES ACQUISITION THROUGHOUT THE FEDERAL ACQUISITION REGULATION AND THE DEFENSE FEDERAL ACQUISITION REGULATION SUPPLEMENT.

(a) REVIEW REQUIRED.—The Secretary of Defense, in consultation with the Administrator for Federal Procurement Policy and the heads of such other Federal agencies as the Secretary considers appropriate, shall review the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement to ensure that such regulations include appropriate guidance for and references to services acquisition that are in addition to references provided in part 37 and the Defense Supplement to part 37.

(b) MATTERS CONSIDERED.—The review required by subsection (a) shall consider the extent to which additional guidance is needed—

(1) to provide the tools and processes needed to assist contracting officials in addressing the full range of complexities that can arise in the acquisition of services; and

(2) to enhance and support the procurement and project management community in all aspects of the process for the acquisition of services, including requirements development, assessment of reasonableness, and post-award management and oversight.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) a summary of the findings of the review required by subsection (a); and

(2) any recommendations that the Secretary may have for changes to the Federal Acquisition Regulation and the Defense Federal Acquisition Regulation Supplement to address such findings, including identifying any changes that are necessary to improve part 37 (which specifically addresses services acquisitions).

SEC. 866. PILOT PROGRAM ON ACQUISITION OF MILITARY PURPOSE NONDEVELOPMENTAL ITEMS.

(a) PILOT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may carry out a pilot program to assess the feasability and advisability of acquiring military purpose nondevelopmental items in accordance with this section.

(2) SCOPE OF PROGRAM.—Under the pilot program, the Secretary may enter into contracts with nontraditional defense contractors for the acquisition of military purpose nondevelopmental items in accordance with the requirements set forth in subsection (b).

(b) CONTRACT REQUIREMENTS.—Each contract entered into under the pilot program—

(1) shall be a firm, fixed price contract, or a firm, fixed price contract with an economic price adjustment clause awarded using competitive procedures in accordance with chapter 137 of title 10, United States Code;

(2) shall be in an amount not in excess of $50,000,000, including all options;

(3) shall provide—

(A) for the delivery of an initial lot of production quantities of completed items not later than nine months after the date of the award of such contract; and

(B) that failure to make delivery as provided for under subparagraph (A) may result in the termination of such contract for default; and

(4) shall be—

(A) exempt from the requirement to submit certified cost or pricing data under section 2306a of title 10, United States Code, and the cost accounting standards under section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422); and

(B) subject to the requirement to provide data other than certified cost or pricing data for the purpose of price reasonableness determinations, as provided in section 2306a(d) of title 10, United States Code.

(c) REGULATIONS.—If the Secretary establishes the pilot program authorized under subsection (a), the Secretary shall prescribe regulations governing such pilot program. Such regulations shall be included in regulations of the Department of Defense prescribed as part of the Federal Acquisition Regulation and shall include the contract clauses and procedures necessary to implement such program.

(d) REPORTS.—

(1) REPORTS ON PROGRAM ACTIVITIES.—Not later than 60 days after the end of any fiscal year in which the pilot program is in effect, the Secretary shall submit to the congressional defense committees a report on the pilot program. The report shall be in unclassified form but may include a classified annex. Each report shall include, for each contract entered into under the pilot program in the preceding fiscal year, the following:

(A) The contractor.

(B) The item or items to be acquired.

(C) The military purpose to be served by such item or items.

(D) The amount of the contract.

(E) The actions taken by the Department of Defense to ensure that the price paid for such item or items is fair and reasonable.

(2) PROGRAM ASSESSMENT.—If the Secretary establishes the pilot program authorized under subsection (a), not later than four years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General of the extent to which the pilot program—

(A) enabled the Department to acquire items that otherwise might not have been available to the Department;

(B) assisted the Department in the rapid acquisition and fielding of capabilities needed to meet urgent operational needs; and

(C) protected the interests of the United States in paying fair and reasonable prices for the item or items acquired.

(e) DEFINITIONS.—In this section:

(1) The term ''military purpose nondevelopmental item'' means a nondevelopmental item that meets a validated military requirement, as determined in writing by the responsible program manager, and has been developed exclusively at private expense. For purposes of this paragraph, an item shall not be considered to be developed exclusively at private expense if development of the item was paid for in whole or in part through—

(A) independent research and development costs or bid and proposal costs that have been reimbursed directly or indirectly by a Federal agency or have been submitted to a Federal agency for reimbursement; or

(B) foreign government funding.

(2) The term ''nondevelopmental item''—

(A) has the meaning given that term in section 4(13) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(13)); and

(B) also includes previously developed items of supply that require modifications other than those customarily available in the commercial marketplace if such modifications are consistent with the requirement in subsection (b)(3)(A).

(3) The term ''nontraditional defense contractor'' has the meaning given that term in section 2302(9) of title 10, United States Code (as added by subsection (g)).

(4) The terms ''independent research and developments costs'' and ''bid and proposal costs'' have the meaning given such terms in section 31.205-18 of the Federal Acquisition Regulation.

(f) SUNSET.—

(1) IN GENERAL.—The authority to carry out the pilot program shall expire on the date that is five years after the date of the enactment of this Act.

(2) CONTINUATION OF CURRENT CONTRACTS.—The expiration under paragraph (1) of the authority to carry out the pilot program shall not affect the validity of any contract awarded under the pilot program before the date of the expiration of the pilot program under that paragraph.

(g) STATUTORY DEFINITION OF NONTRADITIONAL DEFENSE CONTRACTOR.—

(1) NONTRADITIONAL DEFENSE CONTRACTOR.—Section 2302 of title 10, United States Code, is amended by adding at the end the following:

''(9) The term 'nontraditional defense contractor', with respect to a procurement or with respect to a transaction authorized under section 2371(a) of this title, means an entity that is not currently performing and has not performed, for at least the one-year period preceding the solicitation of sources by the Department of Defense for the procurement or transaction, any of the following for the Department of Defense:

''(A) Any contract or subcontract that is subject to full coverage under the cost accounting standards prescribed pursuant to section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422) and the regulations implementing such section.

''(B) Any other contract in excess of $500,000 under which the contractor is required to submit certified cost or pricing data under section 2306a of this title.''.

(2) CONFORMING AMENDMENT.—Section 845(f) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended to read as follows:

''(f) NONTRADITIONAL DEFENSE CONTRACTOR DEFINED.—In this section, the term 'nontraditional defense contractor' has the

meaning provided by section 2302(9) of title 10, United States Code.''.

PART II—DEFENSE ACQUISITION WORKFORCE

SEC. 871. ACQUISITION WORKFORCE EXCELLENCE.

(a) ACQUISITION WORKFORCE EXCELLENCE.—Subchapter I of chapter 87 of title 10, United States Code, is amended by inserting after section 1701 the following new section:

''§ 1701a. Management for acquisition workforce excellence

''(a) PURPOSE.—The purpose of this chapter is to require the Department of Defense to develop and manage a highly skilled professional acquisition workforce—

''(1) in which excellence and contribution to mission is rewarded;

''(2) which has the technical expertise and business skills to ensure the Department receives the best value for the expenditure of public resources;

''(3) which serves as a model for performance management of employees of the Department; and

''(4) which is managed in a manner that complements and reinforces the management of the defense acquisition system pursuant to chapter 149 of this title.

''(b) PERFORMANCE MANAGEMENT.—In order to achieve the purpose set forth in subsection (a), the Secretary of Defense shall—

''(1) use the full authorities provided in subsections (a) through (d) of section 9902 of title 5, including flexibilities related to performance management and hiring and to training of managers;

''(2) require managers to develop performance plans for individual members of the acquisition workforce in order to give members an understanding of how their performance contributes to their organization's mission and the success of the defense acquisition system (as defined in section 2545 of this title);

''(3) to the extent appropriate, use the lessons learned from the acquisition demonstration project carried out under section 1762 of this title related to contribution-based compensation and appraisal, and how those lessons may be applied within the General Schedule system;

''(4) develop attractive career paths;

''(5) encourage continuing education and training;

''(6) develop appropriate procedures for warnings during performance evaluations for members of the acquisition workforce who consistently fail to meet performance standards;

''(7) take full advantage of the Defense Civilian Leadership Program established under section 1112 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2496; 10 U.S.C. 1580 note prec.);

''(8) use the authorities for highly qualified experts under section 9903 of title 5, to hire experts who are skilled acquisition professionals to—

''(A) serve in leadership positions within the acquisition workforce to strengthen management and oversight;

''(B) provide mentors to advise individuals within the acquisition workforce on their career paths and opportunities to advance and excel within the acquisition workforce; and

''(C) assist with the design of education and training courses and the training of individuals in the acquisition workforce; and

''(9) use the authorities for expedited security clearance processing pursuant to section 1564 of this title.

''(c) NEGOTIATIONS.—Any action taken by the Secretary under this section, or to implement this section, shall be subject to the requirements of chapter 71 of title 5.

''(d) REGULATIONS.—Any rules or regulations prescribed pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2) of title 5, and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1) of such title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1701 the following new item:

''1701a. Management for acquisition workforce excellence.''.

SEC. 872. AMENDMENTS TO THE ACQUISITION WORKFORCE DEMONSTRATION PROJECT.

(a) CODIFICATION INTO TITLE 10.—

(1) IN GENERAL.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1761 the following new section:

''§ 1762. Demonstration project relating to certain acquisition personnel management policies and procedures

''(a) COMMENCEMENT.—The Secretary of Defense is authorized to carry out a demonstration project, the purpose of which is to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the Department of Defense and supporting personnel assigned to work directly with the acquisition workforce.

''(b) TERMS AND CONDITIONS.—(1) Except as otherwise provided in this subsection, any demonstration project described in subsection (a) shall be subject to section 4703 of title 5 and all other provisions of such title that apply with respect to any demonstration project under such section.

''(2) Subject to paragraph (3), in applying section 4703 of title 5 with respect to a demonstration project described in subsection (a)—

''(A) '180 days' in subsection (b)(4) of such section shall be deemed to read '120 days';

''(B) '90 days' in subsection (b)(6) of such section shall be deemed to read '30 days'; and

''(C) subsection (d)(1) of such section shall be disregarded.

''(3) Paragraph (2) shall not apply with respect to a demonstration project unless—

''(A) for each organization or team participating in the demonstration project—

''(i) at least one-third of the workforce participating in the demonstration project consists of members of the acquisition workforce; and

''(ii) at least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce; and

''(B) the demonstration project commences before October 1, 2007.

''(c) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of persons who may participate in the demonstration project under this section may not exceed 120,000.

''(d) EFFECT OF REORGANIZATIONS.—The applicability of paragraph (2) of subsection (b) to an organization or team shall not terminate by reason that the organization or team, after having satisfied the conditions in paragraph (3) of such subsection when it began to participate in a demonstration project under this section, ceases to meet one or both of the conditions set forth in subparagraph (A) of such paragraph (3) as a result of a reorganization, restructuring, realignment, consolidation, or other organizational change.

''(e) ASSESSMENTS.—(1) The Secretary of Defense shall designate an independent organization to conduct two assessments of the acquisition workforce demonstration project described in subsection (a).

''(2) Each such assessment shall include the following:

''(A) A description of the workforce included in the project.

''(B) An explanation of the flexibilities used in the project to appoint individuals to the acquisition workforce and whether those appointments are based on competitive procedures and recognize veteran's preferences.

''(C) An explanation of the flexibilities used in the project to develop a performance appraisal system that recognizes excellence in performance and offers opportunities for improvement.

''(D) The steps taken to ensure that such system is fair and transparent for all employees in the project.

''(E) How the project allows the organization to better meet mission needs.

''(F) An analysis of how the flexibilities in subparagraphs (B) and (C) are used, and what barriers have been encountered that inhibit their use.

''(G) Whether there is a process for—

''(i) ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the performance appraisal period; and

''(ii) setting timetables for performance appraisals.

''(H) The project's impact on career progression.

''(I) The project's appropriateness or inappropriateness in light of the complexities of the workforce affected.

''(J) The project's sufficiency in terms of providing protections for diversity in promotion and retention of personnel.

''(K) The adequacy of the training, policy guidelines, and other preparations afforded in connection with using the project.

''(L) Whether there is a process for ensuring employee involvement in the development and improvement of the project.

''(3) The first assessment under this subsection shall be completed not later than September 30, 2012. The second and final assessment shall be completed not later than September 30, 2016. The Secretary shall submit to the covered congressional committees a copy of each assessment within 30 days after receipt by the Secretary of the assessment.

''(f) COVERED CONGRESSIONAL COMMITTEES.—In this section, the term 'covered congressional committees' means—

''(1) the Committees on Armed Services of the Senate and the House of Representatives;

''(2) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(3) the Committee on Oversight and Government Reform of the House of Representatives.

''(g) TERMINATION OF AUTHORITY.—The authority to conduct a demonstration program under this section shall terminate on September 30, 2017.

''(h) CONVERSION.—Within 6 months after the authority to conduct a demonstration project under this section is terminated as provided in subsection (g), employees in the project shall convert to the civilian personnel system created pursuant to section 9902 of title 5.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter V of chapter 87 of title 10, United States Code, is amended by inserting after the item relating to section 1761 the following new item:

''1762. Demonstration project relating to certain acquisition personnel management policies and procedures.''.

(b) CONFORMING REPEAL.—Section 4308 of the National Defense Authorization Act for

Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1701 note) is repealed.

SEC. 873. CAREER DEVELOPMENT FOR CIVILIAN AND MILITARY PERSONNEL IN THE ACQUISITION WORKFORCE.

(a) CAREER PATHS.—

(1) AMENDMENT.—Chapter 87 of title 10, United States Code, is amended by inserting after section 1722a the following new section:

"§ 1722b. Special requirements for civilian employees in the acquisition field

''(a) REQUIREMENT FOR POLICY AND GUIDANCE REGARDING CIVILIAN PERSONNEL IN ACQUISITION.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish policies and issue guidance to ensure the proper development, assignment, and employment of civilian members of the acquisition workforce to achieve the objectives specified in subsection (b).

''(b) OBJECTIVES.—Policies established and guidance issued pursuant to subsection (a) shall ensure, at a minimum, the following:

''(1) A career path in the acquisition field that attracts the highest quality civilian personnel, from either within or outside the Federal Government.

''(2) A deliberate workforce development strategy that increases attainment of key experiences that contribute to a highly qualified acquisition workforce.

''(3) Sufficient opportunities for promotion and advancement in the acquisition field.

''(4) A sufficient number of qualified, trained members eligible for and active in the acquisition field to ensure adequate capacity, capability, and effective succession for acquisition functions, including contingency contracting, of the Department of Defense.

''(5) A deliberate workforce development strategy that ensures diversity in promotion, advancement, and experiential opportunities commensurate with the general workforce outlined in this section.

''(c) INCLUSION OF INFORMATION IN ANNUAL REPORT.—The Secretary of Defense shall include in the report to Congress required under section 115b(d) of this title the following information related to the acquisition workforce for the period covered by the report (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, Marine Corps, Defense Agencies, and Office of the Secretary of Defense):

''(1) The total number of persons serving in the Acquisition Corps, set forth separately for members of the armed forces and civilian employees, by grade level and by functional specialty.

''(2) The total number of critical acquisition positions held, set forth separately for members of the armed forces and civilian employees, by grade level and by other appropriate categories (including by program manager, deputy program manager, and division head positions), including average length of time served in each position. For each such category, the report shall specify the number of civilians holding such positions compared to the total number of positions filled.

''(3) The number of employees to whom the requirements of subsections (b)(2)(A) and (b)(2)(B) of section 1732 of this title did not apply because of the exceptions provided in paragraphs (1) and (2) of section 1732(c) of this title, set forth separately by type of exception.

''(4) The number of times a waiver authority was exercised under section 1724(d), 1732(d), 1734(d), or 1736(c) of this title or any other provision of this chapter (or other provision of law) which permits the waiver of any requirement relating to the acquisition workforce, and in the case of each such authority, the reasons for exercising the authority. The Secretary may present the information provided under this paragraph by category or grouping of types of waivers and reasons.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 87 of such title is amended by inserting after the item relating to section 1722a the following new item:

''1722b. Special requirements for civilian employees in the acquisition field.''.

(b) CAREER EDUCATION AND TRAINING.—Section 1723 of such title is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

''(b) CAREER PATH REQUIREMENTS.—For each career path, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish requirements for the completion of course work and related on-the-job training and demonstration of qualifications in the critical acquisition-related duties and tasks of the career path. The Secretary of Defense, acting through the Under Secretary, shall also—

''(1) encourage individuals in the acquisition workforce to maintain the currency of their acquisition knowledge and generally enhance their knowledge of related acquisition management disciplines through academic programs and other self-developmental activities; and

''(2) develop key work experiences, including the creation of a program sponsored by the Department of Defense that facilitates the periodic interaction between individuals in the acquisition workforce and the end user in such end user's environment to enhance the knowledge base of such workforce, for individuals in the acquisition workforce so that the individuals may gain in-depth knowledge and experience in the acquisition process and become seasoned, well-qualified members of the acquisition workforce.''.

SEC. 874. RECERTIFICATION AND TRAINING REQUIREMENTS.

(a) CONTINUING EDUCATION.—Section 1723 of title 10, United States Code, as amended by section 873, is further amended by amending subsection (a) to read as follows:

''(a) QUALIFICATION REQUIREMENTS.—(1) The Secretary of Defense shall establish education, training, and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. In establishing such requirements, the Secretary shall ensure the availability and sufficiency of training in all areas of acquisition, including additional training courses with an emphasis on services contracting, market research strategies (including assessments of local contracting capabilities), long-term sustainment strategies, information technology, and rapid acquisition.

''(2) In establishing such requirements for positions other than critical acquisition positions designated pursuant to section 1733 of this title, the Secretary may state the requirements by categories of positions.

''(3) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall establish requirements for continuing education and periodic renewal of an individual's certification. Any requirement for a certification renewal shall not require a renewal more often than once every five years.''.

(b) STANDARDS FOR TRAINING.—

(1) IN GENERAL.—Subchapter IV of Chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1748. Fulfillment standards for acquisition workforce training

''The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall develop fulfillment standards, and implement and maintain a program, for purposes of the training requirements of sections 1723, 1724, and 1735 of this title. Such fulfillment standards shall consist of criteria for determining whether an individual has demonstrated competence in the areas that would be taught in the training courses required under those sections. If an individual meets the appropriate fulfillment standard, the applicable training requirement is fulfilled.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

''1748. Fulfillment standards for acquisition workforce training.''.

(3) DEADLINE FOR FULFILLMENT STANDARDS.—The fulfillment standards required under section 1748 of title 10, United States Code, as added by paragraph (1), shall be developed not later than 270 days after the date of the enactment of this Act.

(4) CONFORMING REPEAL.—Section 853 of Public Law 105–85 (111 Stat. 1851) is repealed.

SEC. 875. INFORMATION TECHNOLOGY ACQUISITION WORKFORCE.

(a) PLAN REQUIRED.—The Secretary of Defense shall develop and carry out a plan to strengthen the part of the acquisition workforce that specializes in information technology. The plan shall include the following:

(1) Defined targets for billets devoted to information technology acquisition.

(2) Specific certification requirements for individuals in the acquisition workforce who specialize in information technology acquisition.

(3) Defined career paths for individuals in the acquisition workforce who specialize in information technology acquisitions.

(b) DEFINITIONS.—In this section:

(1) The term ''information technology'' has the meaning provided such term in section 11101 of title 40, United States Code, and includes information technology incorporated into a major weapon system.

(2) The term ''major weapon system'' has the meaning provided such term in section 2379(f) of title 10, United States Code.

(c) DEADLINE.—The Secretary of Defense shall develop the plan required under this section not later than 270 days after the date of the enactment of this Act.

SEC. 876. DEFINITION OF ACQUISITION WORKFORCE.

Section 101(a) of title 10, United States Code, is amended by inserting after paragraph (17) the following new paragraph:

''(18) The term 'acquisition workforce' means the persons serving in acquisition positions within the Department of Defense, as designated pursuant to section 1721(a) of this title.''.

SEC. 877. DEFENSE ACQUISITION UNIVERSITY CURRICULUM REVIEW.

(a) CURRICULUM REVIEW.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall lead a review of the curriculum offered by the Defense Acquisition University to ensure it adequately supports the training and education requirements of acquisition professionals, particularly in service contracting, long term sustainment strategies, information technology, and rapid acquisition. The review shall also involve the service acquisition executives of each military department.

(b) ANALYSIS OF FUNDING REQUIREMENTS FOR TRAINING.—Following the review conducted under subsection (a), the Secretary of Defense shall analyze the most recent future-years defense program to determine the amounts of estimated expenditures and proposed appropriations necessary to support the training requirements of the amendments made by section 874, including any new training requirements determined after the review conducted under subsection (a). The Secretary shall identify any additional funding needed for such training requirements in the separate chapter on the defense acquisition workforce required in the next annual strategic workforce plan under 115b of title 10, United States Code.

(c) REQUIREMENT FOR ONGOING CURRICULUM DEVELOPMENT WITH CERTAIN SCHOOLS.—

(1) REQUIREMENT.—Section 1746 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) CURRICULUM DEVELOPMENT.—The President of the Defense Acquisition University shall work with the relevant professional schools and degree-granting institutions of the Department of Defense and military departments to ensure that best practices are used in curriculum development to support acquisition workforce positions.''.

(2) AMENDMENT TO SECTION HEADING.—(A) The heading of section 1746 of such title is amended to read as follows:

''§ 1746. Defense Acquisition University''.

(B) The item relating to section 1746 in the table of sections at the beginning of subchapter IV of chapter 87 of such title is amended to read as follows:

''1746. Defense Acquisition University.''.

PART III—FINANCIAL MANAGEMENT

SEC. 881. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

(a) INTERIM MILESTONES.—

(1) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller), in consultation with the Deputy Chief Management Officer of the Department of Defense, the secretaries of the military departments, and the heads of the defense agencies and defense field activities, shall establish interim milestones for achieving audit readiness of the financial statements of the Department of Defense, consistent with the requirements of section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note).

(2) MATTERS INCLUDED.—The interim milestones established pursuant to paragraph (1) shall include, at a minimum, for each military department and for the defense agencies and defense field activities—

(A) an interim milestone for achieving audit readiness for each major element of the statement of budgetary resources, including civilian pay, military pay, supply orders, contracts, and funds balance with the Treasury; and

(B) an interim milestone for addressing the existence and completeness of each major category of Department of Defense assets, including military equipment, real property, inventory, and operating material and supplies.

(3) DESCRIPTION IN SEMIANNUAL REPORTS.—The Under Secretary shall describe each interim milestone established pursuant to paragraph (1) in the next semiannual report submitted pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note). Each subsequent semiannual report submitted pursuant to section 1003(b) shall explain how the Department has progressed toward meeting such interim milestones.

(b) VALUATION OF DEPARTMENT OF DEFENSE ASSETS.—

(1) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall, in consultation with other appropriate Federal agencies and officials—

(A) examine the costs and benefits of alternative approaches to the valuation of Department of Defense assets;

(B) select an approach to such valuation that is consistent with principles of sound financial management and the conservation of taxpayer resources; and

(C) begin the preparation of a business case analysis supporting the selected approach.

(2) The Under Secretary shall include information on the alternatives considered, the selected approach, and the business case analysis supporting that approach in the next semiannual report submitted pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note).

(c) REMEDIAL ACTIONS REQUIRED.—In the event that the Department of Defense, or any component of the Department of Defense, is unable to meet an interim milestone established pursuant to subsection (a), the Under Secretary of Defense (Comptroller) shall—

(1) develop a remediation plan to ensure that—

(A) the component will meet the interim milestone no more than one year after the originally scheduled date; and

(B) the component's failure to meet the interim milestone will not have an adverse impact on the Department's ability to carry out the plan under section 1003(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note); and

(2) include in the next semiannual report submitted pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note)—

(A) a statement of the reasons why the Department of Defense, or component of the Department of Defense, will be unable to meet such interim milestone;

(B) the revised completion date for meeting such interim milestone; and

(C) a description of the actions that have been taken and are planned to be taken by the Department of Defense, or component of the Department of Defense, to meet such interim milestone.

(d) INCENTIVES FOR ACHIEVING AUDITABILITY.—

(1) REVIEW REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall review options for providing appropriate incentives to the military departments, Defense Agencies, and defense field activities to ensure that financial statements are validated as ready for audit earlier than September 30, 2017.

(2) OPTIONS REVIEWED.—The review performed pursuant to paragraph (1) shall consider changes in policy that reflect the increased confidence that can be placed in auditable financial statements, and shall include, at a minimum, consideration of the following options:

(A) Consistent with the need to fund urgent warfighter requirements and operational needs, priority in the release of appropriated funds.

(B) Relief from the frequency of financial reporting in cases in which such reporting is not required by law.

(C) Relief from departmental obligation and expenditure thresholds to the extent that such thresholds establish requirements more restrictive than those required by law.

(D) Increases in thresholds for reprogramming of funds.

(E) Personnel management incentives for the financial and business management workforce.

(F) Such other measures as the Under Secretary considers appropriate.

(3) REPORT.—The Under Secretary shall include a discussion of the review performed pursuant to paragraph (1) in the next semiannual report pursuant to section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) and for each option considered pursuant to paragraph (2) shall include—

(A) an assessment of the extent to which the implementation of the option—

(i) would be consistent with the efficient operation of the Department of Defense and the effective funding of essential Department of Defense programs and activities; and

(ii) would contribute to the achievement of Department of Defense goals to prepare auditable financial statements; and

(B) a recommendation on whether such option should be adopted, a schedule for implementing the option if adoption is recommended, or a reason for not recommending the option if adoption is not recommended.

SEC. 882. REVIEW OF OBLIGATION AND EXPENDITURE THRESHOLDS.

(a) PROCESS REVIEW.—Not later than one year after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense, in coordination with the Chief Management Officer of each military department, the Director of the Office of Performance Assessment and Root Cause Analysis, the Under Secretary of Defense (Comptroller), and the Comptrollers of the military departments, shall complete a comprehensive review of the use and value of obligation and expenditure benchmarks and propose new benchmarks or processes for tracking financial performance, including, as appropriate—

(1) increased reliance on individual obligation and expenditure plans for measuring program financial performance;

(2) mechanisms to improve funding stability and to increase the predictability of the release of funding for obligation and expenditure; and

(3) streamlined mechanisms for a program manager to submit an appeal for funding changes and to have such appeal evaluated promptly.

(b) TRAINING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense (Comptroller) shall ensure that, as part of the training required for program managers and business managers, an emphasis is placed on obligating and expending appropriated funds in a manner that achieves the best value for the Government and that the purpose and limitations of obligation and expenditure benchmarks are made clear.

(c) REPORT.—The Deputy Chief Management Officer of the Department of Defense shall include a report on the results of the review under this section in the next update of the strategic management plan transmitted to the Committees on Armed Services of the Senate and the House of Representatives under section 904(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 275; 10 U.S.C. note prec. 2201) after the completion of the review.

SEC. 883. DISCLOSURE AND TRACEABILITY OF THE COST OF DEPARTMENT OF DEFENSE HEALTH CARE CONTRACTS.

(a) REPORT.—

(1) REQUIREMENT.—Not later than September 30, 2011, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the additional cost to the Department of Defense associated with compliance with the Patient Protection and Affordable Care Act (Public Law 111–148) and the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152).

(2) MATTERS COVERED.—The report required by paragraph (1) shall include an estimate of—

(A) the additional costs, if any, incurred on health care contracts to comply with such Acts; and

(B) any other additional costs to the Department of Defense to comply with such Acts.

(b) HEALTH CARE CONTRACT DEFINED.—In this section, the term ''health care contract'' means a contract awarded by the Department of Defense in an amount greater than the simplified acquisition threshold for the acquisition of any of the following:

(1) Medical supplies.

(2) Health care services and administration, including the services of medical personnel.

(3) Durable medical equipment.

(4) Pharmaceuticals.

(5) Health care-related information technology.

PART IV—INDUSTRIAL BASE

SEC. 891. EXPANSION OF THE INDUSTRIAL BASE.

(a) PROGRAM TO EXPAND INDUSTRIAL BASE REQUIRED.—The Secretary of Defense shall establish a program to expand the industrial base of the Department of Defense to increase the Department's access to innovation and the benefits of competition.

(b) IDENTIFYING AND COMMUNICATING WITH FIRMS THAT ARE NOT TRADITIONAL SUPPLIERS.—The program established under subsection (a) shall use tools and resources available within the Federal Government and available from the private sector to provide a capability for identifying and communicating with firms that are not traditional suppliers, including commercial firms and firms of all business sizes, that are engaged in markets of importance to the Department of Defense in which such firms can make a significant contribution.

(c) OUTREACH TO LOCAL FIRMS NEAR DEFENSE INSTALLATIONS.—The program established under subsection (a) shall include outreach, using procurement technical assistance centers, to firms of all business sizes in the vicinity of Department of Defense installations regarding opportunities to obtain contracts and subcontracts to perform work at such installations.

(d) INDUSTRIAL BASE REVIEW.—The program established under subsection (a) shall include a continuous effort to review the industrial base supporting the Department of Defense, including the identification of markets of importance to the Department of Defense in which firms that are not traditional suppliers can make a significant contribution.

(e) FIRMS THAT ARE NOT TRADITIONAL SUPPLIERS.—For purposes of this section, a firm is not a traditional supplier of the Department of Defense if it does not currently have contracts and subcontracts to perform work for the Department of Defense with a total combined value in excess of $500,000

(f) PROCUREMENT TECHNICAL ASSISTANCE CENTER.—In this section, the term ''procurement technical assistance center'' means a center operating under a cooperative agreement with the Defense Logistics Agency to provide procurement technical assistance pursuant to the authority provided in chapter 142 of title 10, United States Code.

SEC. 892. PRICE TREND ANALYSIS FOR SUPPLIES AND EQUIPMENT PURCHASED BY THE DEPARTMENT OF DEFENSE.

(a) PRICE TREND ANALYSIS PROCEDURES.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement procedures that, to the maximum extent practicable, provide for the collection and analysis of information on price trends for covered supplies and equipment purchased by the Department of Defense. The procedures shall include an automated process for identifying categories of covered supplies and equipment described in paragraph (2) that have experienced significant escalation in prices.

(2) CATEGORY OF COVERED SUPPLIES AND EQUIPMENT.—A category of covered supplies and equipment referred to in paragraph (1) consists of covered supplies and equipment that have the same National Stock Number, are in a single Federal Supply Group or Federal Supply Class, are provided by a single contractor, or are otherwise logically grouped for the purpose of analyzing information on price trends.

(3) REQUIREMENT TO EXAMINE CAUSES OF ESCALATION.—An analysis conducted pursuant to paragraph (1) shall include, for any category in which significant escalation in prices is identified, a more detailed examination of the causes of escalation for such prices within the category and whether such price escalation is consistent across the Department of Defense.

(4) REQUIREMENT TO ADDRESS UNJUSTIFIED ESCALATION.—The head of a Defense Agency or the Secretary of a military department shall take appropriate action to address any unjustified escalation in prices being paid for items procured by that agency or military department as identified in an analysis conducted pursuant to paragraph (1).

(b) ANNUAL REPORT.—Not later than April 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the analyses of price trends that were conducted for categories of covered supplies and equipment during the preceding fiscal year under the procedures implemented pursuant to paragraph (1). The report shall include a description of the actions taken to identify and address any unjustified price escalation for the categories of items.

(c) DEFINITIONS.—In this section:

(1) SUPPLIES AND EQUIPMENT.—The term ''supplies and equipment'' means items classified as supplies and equipment under the Federal Supply Classification System.

(2) COVERED SUPPLIES AND EQUIPMENT.—The term ''covered supplies and equipment'' means all supplies and equipment purchased by the Department of Defense. The term does not include major weapon systems but does include individual parts and components purchased as spare or replenishment parts for such weapon systems.

(d) SUNSET DATE.—This section shall not be in effect on and after April 1, 2015.

SEC. 893. CONTRACTOR BUSINESS SYSTEMS.

(a) IMPROVEMENT PROGRAM.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall develop and initiate a program for the improvement of contractor business systems to ensure that such systems provide timely, reliable information for the management of Department of Defense programs by the contractor and by the Department.

(b) APPROVAL OR DISAPPROVAL OF BUSINESS SYSTEMS.—The program developed pursuant to subsection (a) shall—

(1) include system requirements for each type of contractor business system covered by the program;

(2) establish a process for reviewing contractor business systems and identifying significant deficiencies in such systems;

(3) identify officials of the Department of Defense who are responsible for the approval or disapproval of contractor business systems;

(4) provide for the approval of any contractor business system that does not have a significant deficiency; and

(5) provide for—

(A) the disapproval of any contractor business system that has a significant deficiency; and

(B) reduced reliance on, and enhanced scrutiny of, data provided by a contractor business system that has been disapproved.

(c) REMEDIAL ACTIONS.—The program developed pursuant to subsection (a) shall provide the following:

(1) In the event a contractor business system is disapproved pursuant to subsection (b)(5), appropriate officials of the Department of Defense will be available to work with the contractor to develop a corrective action plan defining specific actions to be taken to address the significant deficiencies identified in the system and a schedule for the implementation of such actions.

(2) An appropriate official of the Department of Defense may withhold up to 10 percent of progress payments, performance-based payments, and interim payments under covered contracts from a covered contractor, as needed to protect the interests of the Department and ensure compliance, if one or more of the contractor business systems of the contractor has been disapproved pursuant to subsection (b)(5) and has not subsequently received approval.

(3) The amount of funds to be withheld under paragraph (2) shall be reduced if a contractor adopts an effective corrective action plan pursuant to paragraph (1) and is effectively implementing such plan.

(d) GUIDANCE AND TRAINING.—The program developed pursuant to subsection (a) shall provide guidance and training to appropriate government officials on the data that is produced by contractor business systems and the manner in which such data should be used to effectively manage Department of Defense programs.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit an official of the Department of Defense from reviewing, approving, or disapproving a contractor business system pursuant to any applicable law or regulation in force as of the date of the enactment of this Act during the period between the date of the enactment of this Act and the date on which the Secretary implements the requirements of this section with respect to such system.

(f) DEFINITIONS.—In this section:

(1) The term ''contractor business system'' means an accounting system, estimating system, purchasing system, earned value management system, material management and accounting system, or property management system of a contractor.

(2) The term ''covered contractor'' means a contractor that is subject to the cost accounting standards under section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422).

(3) The term ''covered contract'' means a cost-reimbursement contract, incentive-type contract, time-and-materials contract, or labor-hour contract that could be affected if the data produced by a contractor business system has a significant deficiency.

(4) The term ''significant deficiency'', in the case of a contractor business system, means a shortcoming in the system that materially affects the ability of officials of the Department of Defense and the contractor to

rely upon information produced by the system that is needed for management purposes.

(g) DEFENSE CONTRACT AUDIT AGENCY LEGAL RESOURCES AND EXPERTISE.—

(1) REQUIREMENT.—The Secretary of Defense shall ensure that—

(A) the Defense Contract Audit Agency has sufficient legal resources and expertise to conduct its work in compliance with applicable Department of Defense policies and procedures; and

(B) such resources and expertise are provided in a manner that is consistent with the audit independence of the Defense Contract Audit Agency.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the steps taken to comply with the requirements of this subsection.

SEC. 894. REVIEW AND RECOMMENDATIONS ON ELIMINATING BARRIERS TO CONTRACTING WITH THE DEPARTMENT OF DEFENSE.

(a) REVIEW AND RECOMMENDATIONS.—The Secretary of Defense, acting through the Director of Small Business Programs in the Department of Defense, shall review barriers to firms that are not traditional suppliers to the Department of Defense wishing to contract with the Department of Defense and its defense supply centers and develop a set of recommendations on the elimination of such barriers. The Director shall identify and consult with a wide range of firms that are not traditional suppliers to the Department of Defense for the purpose of identifying such barriers and developing such recommendations.

(b) DEFINITION.—For the purposes of this section, a firm is not a traditional supplier of the Department of Defense if it does not currently have contracts and subcontracts to perform work for the Department of Defense with a total combined value in excess of $500,000.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report summarizing the findings and recommendations of the review conducted pursuant to this section.

SEC. 895. INCLUSION OF THE PROVIDERS OF SERVICES AND INFORMATION TECHNOLOGY IN THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) REVISED DEFINITIONS.—Section 2500 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''or maintenance'' and inserting ''integration, services, or information technology'';

(2) in paragraph (4), by striking ''or production'' and inserting ''production, integration, services, or information technology'';

(3) in paragraph (9)(A), by striking ''and manufacturing'' and inserting ''manufacturing, integration, services, and information technology''; and

(4) by adding at the end the following new paragraph:

''(15) The term 'integration' means the process of providing systems engineering and technical direction for a system for the purpose of achieving capabilities that satisfy program requirements.''.

(b) REVISED OBJECTIVES.—Section 2501(a) of such title is amended—

(1) in paragraph (1), by striking ''Supplying and equipping'' and inserting ''Supplying, equipping, and supporting'';

(2) in paragraph (2), by striking ''and logistics for'' and inserting ''logistics, and other activities in support of'';

(3) in paragraph (4), by striking ''and produce'' and inserting '', produce, and support''; and

(4) by redesignating paragraph (6) as paragraph (8) and inserting after paragraph (5) the following new paragraphs:

''(6) Providing for the generation of services capabilities that are not core functions of the armed forces and that are critical to military operations within the national technology and industrial base.

''(7) Providing for the development, production, and integration of information technology within the national technology and industrial base.''.

(c) REVISED ASSESSMENTS.—Section 2505(b)(4) of such title is amended by inserting after ''of this title)'' the following ''or major automated information system programs (as defined in section 2445a of this title)''.

(d) REVISED POLICY GUIDANCE.—Section 2506(a) of such title is amended by striking ''budget allocation, weapons'' and inserting ''strategy, management, budget allocation,''.

SEC. 896. DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY; INDUSTRIAL BASE FUND.

(a) DEPUTY ASSISTANT SECRETARY OF DEFENSE.—Chapter 7 of title 10, United States Code, is amended by inserting after section 139d the following new section:

''§ 139e. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy

''(a) APPOINTMENT.—There is a Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be appointed by the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(b) RESPONSIBILITIES.—The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy shall be the principal advisor to the Under Secretary of Defense for Acquisition, Technology, and Logistics in the performance of the Under Secretary's duties relating to the following:

''(1) Providing input on industrial base matters to strategy reviews, including quadrennial defense reviews conducted pursuant to section 118 of this title.

''(2) Establishing policies of the Department of Defense for maintenance of the defense industrial base of the United States.

''(3) Providing recommendations to the Under Secretary on budget matters pertaining to the industrial base.

''(4) Providing recommendations to the Under Secretary on supply chain management and supply chain vulnerability.

''(5) Providing input on industrial base matters to defense acquisition policy guidance.

''(6) Establishing the national security objectives concerning the national technology and industrial base required under section 2501 of this title.

''(7) Executing the national defense program for analysis of the national technology and industrial base required under section 2503 of this title.

''(8) Performing the national technology and industrial base periodic defense capability assessments required under section 2505 of this title.

''(9) Establishing the technology and industrial base policy guidance required under section 2506 of this title.

''(10) Executing the authorities of the Manufacturing Technology Program under section 2521 of this title.

''(11) Carrying out the activities of the Department of Defense relating to the Defense Production Act Committee established under section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171).

''(12) Consistent with section 2(b) of the Defense Production Act of 1950 (50 U.S.C. App. 2062(b)), executing other applicable authorities provided under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), including authorities under titles I and II of such Act.

''(13) Establishing policies related to international technology security and export control issues.

''(14) Establishing policies related to industrial independent research and development programs under section 2372 of this title.

''(15) Such other duties as are assigned by the Under Secretary.

''(c) RULE OF CONSTRUCTION.—Nothing in subsection (b)(9) may be construed to limit the authority or modify the policies of the Committee on Foreign Investment in the United States established under section 721(k) of the Defense Production Act of 1950 (50 U.S.C. App. 2170(k)).''.

(b) INDUSTRIAL BASE FUND.—

(1) IN GENERAL.—Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2508. Industrial Base Fund

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish an Industrial Base Fund (in this section referred to as the 'Fund').

''(b) CONTROL OF FUND.—The Fund shall be under the control of the Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.

''(c) AMOUNTS IN FUND.—The Fund shall consist of amounts appropriated or otherwise made available to the Fund.

''(d) USE OF FUND.—Subject to subsection (e), the Fund shall be used—

''(1) to support the monitoring and assessment of the industrial base required by this chapter;

''(2) to address critical issues in the industrial base relating to urgent operational needs;

''(3) to support efforts to expand the industrial base; and

''(4) to address supply chain vulnerabilities.

''(e) USE OF FUND SUBJECT TO APPROPRIATIONS.—The authority of the Secretary of Defense to use the Fund under this section in any fiscal year is subject to the availability of appropriations for that purpose.

''(f) EXPENDITURES.—The Secretary shall establish procedures for expending monies in the Fund in support of the uses identified in subsection (d), including the following:

''(1) Direct obligations from the Fund.

''(2) Transfers of monies from the Fund to relevant appropriations of the Department of Defense.''.

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

''2508. Industrial Base Fund.''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

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

Subtitle B—Space Activities

Sec. 911. Integrated space architectures.
Sec. 912. Limitation on use of funds for costs of terminating contracts under the National Polar-Orbiting Operational Environmental Satellite System Program.
Sec. 913. Limitation on use of funds for purchasing Global Positioning System user equipment.

Sec. 914. Plan for integration of space-based nuclear detection sensors.
Sec. 915. Preservation of the solid rocket motor industrial base.
Sec. 916. Implementation plan to sustain solid rocket motor industrial base.
Sec. 917. Review and plan on sustainment of liquid rocket propulsion systems industrial base.

Subtitle C—Intelligence-Related Matters

Sec. 921. Five-year extension of authority for Secretary of Defense to engage in commercial activities as security for intelligence collection activities.
Sec. 922. Modification of attendees at proceedings of Intelligence, Surveillance, and Reconnaissance Integration Council.
Sec. 923. Report on Department of Defense interservice management and coordination of remotely piloted aircraft support of intelligence, surveillance, and reconnaissance.
Sec. 924. Report on requirements fulfillment and personnel management relating to Air Force intelligence, surveillance, and reconnaissance provided by remotely piloted aircraft.

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

Sec. 931. Continuous monitoring of Department of Defense information systems for cybersecurity.
Sec. 932. Strategy on computer software assurance.
Sec. 933. Strategy for acquisition and oversight of Department of Defense cyber warfare capabilities.
Sec. 934. Report on the cyber warfare policy of the Department of Defense.
Sec. 935. Reports on Department of Defense progress in defending the Department and the defense industrial base from cyber events.

Subtitle E—Other Matters

Sec. 941. 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. 942. Additional requirements for quadrennial roles and missions review in 2011.
Sec. 943. Report on organizational structure and policy guidance of the Department of Defense regarding information operations.
Sec. 944. Report on organizational structures of the geographic combatant command headquarters.

Subtitle A—Department of Defense Management

SEC. 901. REORGANIZATION OF OFFICE OF THE SECRETARY OF DEFENSE TO CARRY OUT REDUCTION REQUIRED BY LAW IN NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.

(a) REDESIGNATION OF CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DEFENSE.—

(1) REDESIGNATION.—Positions in the Office of the Secretary of Defense are hereby redesignated as follows:

(A) The Director of Defense Research and Engineering is redesignated as the Assistant Secretary of Defense for Research and Engineering.

(B) The Director of Operational Energy Plans and Programs is redesignated as the Assistant Secretary of Defense for Operational Energy Plans and Programs.

(C) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is redesignated as the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

(2) REFERENCES.—Any reference in any law, rule, regulation, paper, or other record of the United States to an office of the Department of Defense redesignated by paragraph (1) shall be deemed to be a reference to such office as so redesignated.

(b) AMENDMENTS TO CHAPTER 4 OF TITLE 10 RELATING TO REORGANIZATION.—

(1) REPEAL OF SEPARATE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE PROVISIONS.—Sections 133a, 134a, and 136a of title 10, United States Code, are repealed.

(2) COMPONENTS OF OSD.—Subsection (b) of section 131 of such title is amended to read as follows:

''(b) The Office of the Secretary of Defense is composed of the following:

''(1) The Deputy Secretary of Defense.

''(2) The Under Secretaries of Defense, as follows:

''(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(B) The Under Secretary of Defense for Policy.

''(C) The Under Secretary of Defense (Comptroller).

''(D) The Under Secretary of Defense for Personnel and Readiness.

''(E) The Under Secretary of Defense for Intelligence.

''(3) The Deputy Chief Management Officer of the Department of Defense.

''(4) Other officers who are appointed by the President, by and with the advice and consent of the Senate, and who report directly to the Secretary and Deputy Secretary without intervening authority, as follows:

''(A) The Director of Cost Assessment and Program Evaluation.

''(B) The Director of Operational Test and Evaluation.

''(C) The General Counsel of the Department of Defense.

''(D) The Inspector General of the Department of Defense.

''(5) The Principal Deputy Under Secretaries of Defense.

''(6) The Assistant Secretaries of Defense.

''(7) Other officials provided for by law, as follows:

''(A) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation appointed pursuant to section 139b(a) of this title.

''(B) The Deputy Assistant Secretary of Defense for Systems Engineering appointed pursuant to section 139b(b) of this title.

''(C) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy appointed pursuant to section 139c of this title.

''(D) The Director of Small Business Programs appointed pursuant to section 144 of this title.

''(E) The official designated under section 1501(a) of this title to have responsibility for Department of Defense matters relating to missing persons as set forth in section 1501 of this title.

''(F) The Director of Family Policy under section 1781 of this title.

''(G) The Director of the Office of Corrosion Policy and Oversight assigned pursuant to section 2228(a) of this title.

''(H) The official designated under section 2438(a) of this title to have responsibility for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

''(8) Such other offices and officials as may be established by law or the Secretary of Defense may establish or designate in the Office.''.

(3) PRINCIPAL DEPUTY UNDER SECRETARIES OF DEFENSE.—Section 137a of such title is amended—

(A) in subsections (a)(1), (b), and (d), by striking ''Deputy Under'' and inserting ''Principal Deputy Under'';

(B) in subsection (a)(2), by striking ''(A) The'' and all that follows through ''(5) of subsection (c)'' and inserting ''The Principal Deputy Under Secretaries of Defense'';

(C) in subsection (c)—

(i) in paragraphs (1), (2), (3), (4), and (5), by striking ''One of the Deputy'' and inserting ''One of the Principal Deputy'';

(ii) in paragraphs (1), (2), and (3), by striking ''appointed'' and all that follows through ''this title'';

(iii) in paragraphs (4) and (5), by striking ''shall be'' and inserting ''is''; and

(iv) in paragraph (5), by inserting before the period at the end the following: '', who shall be appointed from among persons who have extensive expertise in intelligence matters''; and

(D) in subsection (d), by adding at the end the following new sentence: ''The Principal Deputy Under Secretaries shall take precedence among themselves in the order prescribed by the Secretary of Defense.''.

(4) ASSISTANT SECRETARIES OF DEFENSE GENERALLY.—Section 138 of such title is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking ''12'' and inserting ''16''; and

(ii) in paragraph (2), by striking ''(A) The'' and all that follows through ''The other'' and inserting ''The'';

(B) in subsection (b)—

(i) in paragraphs (2), (3), (4), (5), and (6), by striking ''shall be'' and inserting ''is'';

(ii) in paragraph (7), by striking ''appointed pursuant to section 138a of this title''; and

(iii) by adding at the end the following new paragraphs:

''(8) One of the Assistant Secretaries is the Assistant Secretary of Defense for Research and Engineering. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Research and Engineering shall have the duties specified in section 138b of this title.

''(9) One of the Assistant Secretaries is the Assistant Secretary of Defense for Operational Energy Plans and Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Operational Energy Plans and Programs shall have the duties specified in section 138c of this title.

''(10) One of the Assistant Secretaries is the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall have the duties specified in section 138d of this title.''; and

(C) in subsection (d), by striking ''and the Director of Defense Research and Engineering'' and inserting ''the Deputy Chief Management Officer of the Department of Defense, the officials serving in positions specified in section 131(b)(4) of this title, and the Principal Deputy Under Secretaries of Defense''.

(5) ASSISTANT SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—Section 138a(a) of such title is amended—

(A) by striking ''There is a'' and inserting ''The''; and

(B) by striking '', appointed from civilian life by the President, by and with the advice

and consent of the Senate. The Assistant Secretary''.

(6) ASSISTANT SECRETARY FOR RESEARCH AND ENGINEERING.—Section 139a of such title is transferred so as to appear after section 138a, redesignated as section 138b, and amended—

(A) by striking subsection (a);

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(C) in subsection (a), as so redesignated, by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''; and

(D) in subsection (b), as so redesignated—

(i) in paragraph (1), by striking ''Director of Defense Research and Engineering,'' and inserting ''Assistant Secretary of Defense for Research and Engineering,''; and

(ii) in paragraph (2), by striking ''Director'' and inserting ''Assistant Secretary''.

(7) ASSISTANT SECRETARY FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—Section 139b of such title is transferred so as to appear after section 138b (as transferred and redesignated by paragraph (6)), redesignated as section 138c, and amended—

(A) in subsection (a), by striking ''There is a'' and all that follows through ''The Director'' and inserting ''The Assistant Secretary of Defense for Operational Energy Plans and Programs'';

(B) by striking ''Director'' each place it appears and inserting ''Assistant Secretary'';

(C) in subsection (d)(2)—

(i) by striking ''Not later than'' and all that follows through ''military departments'' and inserting ''The Secretary of each military department'';

(ii) by striking ''who will'' and inserting ''who shall''; and

(iii) by inserting ''so designated'' after ''The officials''; and

(D) in subsection (d)(4), by striking ''The initial'' and all that follows through ''updates to the strategy'' and inserting ''Updates to the strategy required by paragraph (1)''.

(8) ASSISTANT SECRETARY FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—Section 142 of such title is transferred so as to appear after section 138c (as redesignated and transferred by paragraph (7)), redesignated as section 138d, and amended—

(A) by striking subsection (a);

(B) by redesignating subsection (b) as subsection (a) and in that subsection, as so redesignated, by striking ''The Assistant to the Secretary'' and inserting ''The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''; and

(C) by striking subsection (c) and inserting the following new subsection (b):

''(b) The Assistant Secretary may communicate views on issues within the responsibility of the Assistant Secretary directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.''.

(c) DEPUTY CHIEF MANAGEMENT OFFICER.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is further amended by inserting after section 132 the following new section:

''§ 132a. Deputy Chief Management Officer

''(a) APPOINTMENT.—There is a Deputy Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

''(b) RESPONSIBILITIES.—The Deputy Chief Management Officer assists the Deputy Secretary of Defense in the Deputy Secretary's capacity as Chief Management Officer of the Department of Defense under section 132(c) of this title.

''(c) PRECEDENCE.—The Deputy Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.''.

(2) CONFORMING AMENDMENT.—Section 132(c) of such title is amended by striking the second sentence.

(d) SENIOR OFFICIAL RESPONSIBLE FOR PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES OF MDAPS.—Section 103 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1715; 10 U.S.C. 2430 note) is transferred to chapter 144 of title 10, United States Code, inserted so as to appear after section 2437, redesignated as section 2438, and amended—

(1) in subsection (b)(2), by striking ''section 2433a(a)(1) of title 10, United States Code (as added by section 206(a) of this Act)'' and inserting ''section 2433a(a)(1) of this title'';

(2) in subsection (b)(5)—

(A) by striking ''section 2433a of title 10, United States Code (as so added)'' and inserting ''section 2433a of this title''; and

(B) by striking ''prior to'' both places it appears and inserting ''before'';

(3) in subsection (d), by striking ''section 2433a of title 10, United States Code (as so added)'' and inserting ''section 2433a of this title''; and

(4) in subsection (f), by striking ''beginning in 2010,''.

(e) REDESIGNATION OF DDTE AS DEPUTY ASSISTANT SECRETARY FOR DEVELOPMENTAL TEST AND EVALUATION AND DSE AS DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—Section 139d of title 10, United States Code, is amended—

(1) by striking ''Director of Developmental Test and Evaluation'' each place it appears and inserting ''Deputy Assistant Secretary of Defense for Developmental Test and Evaluation'';

(2) by striking ''Director of Systems Engineering'' each place it appears and inserting ''Deputy Assistant Secretary of Defense for Systems Engineering'';

(3) in subsection (a)—

(A) by striking the subsection heading and inserting ''DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.—'';

(B) by striking ''Director'' each place it appears in paragraphs (2), (3), and (6) and inserting ''Deputy Assistant Secretary'';

(C) in paragraph (4), by striking the paragraph heading and inserting ''COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—'';

(D) in paragraph (5), by striking ''Director'' in the matter preceding subparagraph (A) and inserting ''Deputy Assistant Secretary''; and

(E) in paragraph (6), by striking ''Director's'' and inserting ''Deputy Assistant Secretary's''; and

(4) in subsection (b)—

(A) by striking the subsection heading and inserting ''DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—'';

(B) by striking ''Director'' each place it appears in paragraphs (2), (3), (5), and (6) and inserting ''Deputy Assistant Secretary'';

(C) in paragraph (4), by striking the paragraph heading and inserting ''COORDINATION WITH DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.—''; and

(D) in paragraph (6), by striking ''Director's'' and inserting ''Deputy Assistant Secretary's''.

(f) REORGANIZATION OF CERTAIN PROVISIONS WITHIN CHAPTER 4 TO ACCOUNT FOR OTHER TRANSFERS OF PROVISIONS.—Chapter 4 of title 10, United States Code, is further amended by redesignating sections 139c, 139d (as amended by subsection (e)), and 139e (as added by section 896 of this Act) as sections 139a, 139b, and 139c, respectively.

(g) REPEAL OF STATUTORY REQUIREMENT FOR OFFICE FOR MISSING PERSONNEL IN OSD.—Section 1501(a) of title 10, United States Code, is amended—

(1) by striking the subsection heading and inserting the following: ''RESPONSIBILITY FOR MISSING PERSONNEL.—'';

(2) in paragraph (1)—

(A) by striking ''establish within the Office of the Secretary of Defense an office to have responsibility for Department of Defense policy'' in the first sentence and inserting ''designate within the Office of the Secretary of Defense an official as the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to have responsibility for Department of Defense matters'';

(B) by striking the second sentence;

(C) by striking ''of the office'' and inserting ''of the official designated under this paragraph'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by redesignating subparagraph (B) as subparagraph (C); and

(F) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) policy, control, and oversight of the program established under section 1509 of this title, as well as the accounting for missing persons (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased); and'';

(3) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively;

(4) by inserting after paragraph (1) the following new paragraph (2):

''(2) The official designated under paragraph (1) shall also serve as the Director, Defense Prisoner of War/Missing Personnel Office, as established under paragraph (6)(A), exercising authority, direction, and control over that activity.''.

(5) in paragraph (3), as so redesignated—

(A) by striking ''of the office'' the first place it appears; and

(B) by striking ''head of the office'' and inserting ''official designated under paragraph (1) and (2)'';

(6) in paragraph (4), as so redesignated—

(A) by striking ''office'' and inserting ''designated official''; and

(B) by inserting after ''evasion)'' the following: ''and for personnel accounting (including locating, recovering, and identifying missing persons or their remains after hostilities have ceased)'';

(7) in paragraph (5), as so redesignated, by striking ''office'' and inserting ''designated official''; and

(8) in paragraph (6), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting after ''(A)'' the following: ''The Secretary of Defense shall establish an activity to account for personnel who are missing or whose remains have not been recovered from the conflict in which they were lost. This activity shall be known as the Defense Prisoner of War/Missing Personnel Office.''; and

(ii) by striking ''office'' both places it appears and inserting ''activity'';

(B) in subparagraph (B)(i), by striking ''to the office'' and inserting ''activity'';

(C) in subparagraph (B)(ii)—

(i) by striking ''to the office'' and inserting ''activity''; and

(ii) by striking ''of the office'' and inserting ''of the activity''; and

(D) in subparagraph (C), by striking ''office'' and inserting ''activity''.

(h) CLARIFICATION OF HEAD OF OFFICE FOR FAMILY POLICY.—Section 1781 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second sentence and inserting the following new sentence: ''The office shall be headed by the Director of Family Policy, who shall serve within the office of the Under Secretary of Defense for Personnel and Readiness.''; and

(2) by striking ''the Office'' each place it appears and inserting ''the Director''.

(i) MODIFICATION OF STATUTORY LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—

(1) DELAY IN LIMITATION ON NUMBER OF DUSDS.—Section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2426; 10 U.S.C. 137a note) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2015''.

(2) TEMPORARY AUTHORITY FOR ADDITIONAL DUSDS.—During the period beginning on the date of the enactment of this Act and ending on January 1, 2015, the Secretary of Defense may, in the Secretary's discretion, appoint not more than five Deputy Under Secretaries of Defense in addition to the five Principal Deputy Under Secretaries of Defense authorized by section 137a of title 10, United States Code (as amended by subsection (b)(3)).

(3) REPORT ON PLAN FOR REORGANIZATION OF OSD.—

(A) REPORT REQUIRED.—Not later than September 15, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the realignment of the organizational structure of the Office of the Secretary of Defense to comply with the requirement of section 906(a)(2) of the National Defense Authorization Act for Fiscal Year 2010, as amended by paragraph (1).

(B) ELEMENTS.—In preparing the report required by subparagraph (A), the Secretary shall consider, at a minimum, the feasibility of taking the following actions on or before January 1, 2015:

(i) A merger of the position of Deputy Under Secretary of Defense (Installations and Environment) and the position of Assistant Secretary of Defense for Operational Energy Plans and Programs (as established in accordance with the amendments made by subsection (b)(7)) into a single Assistant Secretary position.

(ii) A realignment of positions within the Office of the Under Secretary of Defense for Policy to eliminate the position of Deputy Under Secretary of Defense (Strategy, Plans, and Forces).

(j) OTHER CONFORMING AMENDMENTS TO TITLE 10.—

(1) Section 179(c) of title 10, United States Code, is amended—

(A) in paragraphs (2) and (3), by striking ''Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs'' and inserting ''Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''; and

(B) in paragraph (3), by striking ''that Assistant to the Secretary'' and inserting ''Assistant Secretary''.

(2) Section 2272 of such title is amended by striking ''Director of Defense Research and Engineering'' each place it appears and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(3) Section 2365 of such title is amended—

(A) in subsection (a), by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary'';

(B) in subsection (d)(1), by striking ''Director'' and inserting ''Assistant Secretary'';

(C) in subsection (d)(2)—

(i) by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''; and

(ii) by striking ''Director may'' and inserting ''Assistant Secretary may''; and

(D) in subsection (e), by striking ''Director'' and inserting ''Assistant Secretary''.

(4) Sections 2350a(g)(3), 2366b(a)(3)(D), 2374a(a), and 2517(a) of such title are amended by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(5) Section 2902(b) of such title is amended—

(A) in paragraph (1), by striking ''Deputy Under Secretary of Defense for Science and Technology'' and inserting ''official within the Office of the Assistant Secretary of Defense for Research and Engineering who is responsible for science and technology''; and

(B) in paragraph (3), by striking ''Deputy Under Secretary of Defense'' and inserting ''official within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics who is''.

(k) SECTION HEADING AND CLERICAL AMENDMENTS.—

(1) SECTION HEADING AMENDMENTS.—

(A) The heading of section 137a of title 10, United States Code, is amended to read as follows:

''§ 137a. Principal Deputy Under Secretaries of Defense''.

(B) The heading of section 138b of such title, as transferred and redesignated by subsection (b)(6), is amended to read as follows:

''§ 138b. Assistant Secretary of Defense for Research and Engineering''.

(C) The heading of section 138c of such title, as transferred and redesignated by subsection (b)(7), is amended to read as follows:

''§ 138c. Assistant Secretary of Defense for Operational Energy Plans and Programs''.

(D) The heading of section 138d of such title, as transferred and redesignated by subsection (b)(8), is amended to read as follows:

''§ 138d. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs''.

(E) The section heading of section 139b of such title, as redesignated by subsection (f), is amended to read as follows:

''§ 139b. Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance''.

(F) The heading of section 2438 of such title, as transferred and redesignated by subsection (d), is amended to read as follows:

''§ 2438. Performance assessments and root cause analyses''.

(2) CLERICAL AMENDMENTS.—

(A) The table of sections at the beginning of chapter 4 of such title is amended—

(i) by inserting after the item relating to section 132 the following new item:

''132a. Deputy Chief Management Officer.'';

(ii) by striking the items relating to sections 133a, 134a, and 136a;

(iii) by striking the item relating to section 137a and inserting the following new item:

''137a. Principal Deputy Under Secretaries of Defense.'';

(iv) by inserting after the item relating to section 138a the following new items:

''138b. Assistant Secretary of Defense for Research and Engineering.

''138c. Assistant Secretary of Defense for Operational Energy Plans and Programs.

''138d. Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.'';

(v) by striking the items relating to sections 139a, 139b, 139c, and 139d and inserting the following new items:

''139a. Director of Cost Assessment and Program Evaluation.

''139b. Deputy Assistant Secretary of Defense for Developmental Test and Evaluation; Deputy Assistant Secretary of Defense for Systems Engineering: joint guidance.

''139c. Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy.''; and

(vi) by striking the item relating to section 142.

(B) The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2437 the following new item:

''2438. Performance assessments and root cause analyses.''.

(l) OTHER CONFORMING AMENDMENTS.—

(1) PUBLIC LAW 111–23.—Section 102(b) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1714; 10 U.S.C. 2430 note) is amended—

(A) by striking ''Director of Developmental Test and Evaluation and the Director of Systems Engineering'' each place it appears and inserting ''Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and the Deputy Assistant Secretary of Defense for Systems Engineering''; and

(B) in paragraph (3)—

(i) by striking the paragraph heading and inserting ''ASSESSMENT OF REPORTS BY DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION AND DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR SYSTEMS ENGINEERING.—''; and

(ii) by striking ''Directors'' and inserting ''Deputy Assistant Secretaries of Defense''.

(2) PUBLIC LAW 110–181.—Section 214 of the National Defense Authorization Act of Fiscal Year 2008 (10 U.S.C. 2521 note) is amended by striking ''Director of Defense Research and Engineering'' and inserting ''Assistant Secretary of Defense for Research and Engineering''.

(m) TECHNICAL AMENDMENTS.—

(1) Section 131(a) of title 10, United States Code, is amended by striking ''his'' and inserting ''the Secretary's''.

(2) Section 132 of such title is amended by redesignating subsection (d), as added by section 2831(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2669), as subsection (e).

(3) Section 135(c) of such title is amended by striking ''clauses'' and inserting ''paragraphs''.

(n) EXECUTIVE SCHEDULE AMENDMENTS.—

(1) NUMBER OF ASSISTANT SECRETARY OF DEFENSE POSITIONS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to Assistant Secretaries of Defense and inserting the following new item:

''Assistant Secretaries of Defense (16).''.

(2) POSITIONS REDESIGNATED AS ASD POSITIONS.—

(A) Section 5315 of such title is further amended by striking the item relating to Director of Defense Research and Engineering.

(B) Section 5316 of such title is amended by striking the item relating to Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.

(3) AMENDMENTS TO STRIKE REFERENCES TO POSITIONS IN SENIOR EXECUTIVE SERVICE.—Section 5316 of such title is further amended—

(A) by striking the item relating to Director, Defense Advanced Research Projects Agency, Department of Defense;

(B) by striking the item relating to Deputy General Counsel, Department of Defense;

(C) by striking the item relating to Deputy Under Secretaries of Defense for Research and Engineering, Department of Defense; and

(D) by striking the item relating to Special Assistant to the Secretary of Defense.

(o) INAPPLICABILITY OF APPOINTMENT REQUIREMENT TO CERTAIN INDIVIDUALS SERVING ON EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding this section and the amendments made by this section, the individual serving as specified in paragraph (2) on December 31, 2010, may continue to serve in the applicable position specified in that paragraph after that date without the requirement for appointment by the President, by and with the advice and consent of the Senate.

(2) COVERED INDIVIDUALS AND POSITIONS.—The individuals and positions specified in this paragraph are the following:

(A) In the case of the individual serving as Director of Defense Research and Engineering, the position of Assistant Secretary of Defense for Research and Engineering.

(B) In the case of the individual serving as Director of Operational Energy Plans and Programs, the position of Assistant Secretary of Defense for Operational Energy Plans and Programs.

(C) In the case of the individual serving as Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, the position of Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs.

(p) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on January 1, 2011.

(2) CERTAIN MATTERS.—Subsection (i) and the amendments made by that subsection, and subsection (o), shall take effect on the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. INTEGRATED SPACE ARCHITECTURES.

The Secretary of Defense and the Director of National Intelligence shall develop an integrated process for national security space architecture planning, development, coordination, and analysis that—

(1) encompasses defense and intelligence space plans, programs, budgets, and organizations;

(2) provides mid-term to long-term recommendations to guide space-related defense and intelligence acquisitions, requirements, and investment decisions;

(3) is independent of, but coordinated with, the space architecture planning, development, coordination, and analysis activities of each military department and each element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); and

(4) makes use of, to the maximum extent practicable, joint duty assignment (as defined in section 668 of title 10, United States Code) positions.

SEC. 912. LIMITATION ON USE OF FUNDS FOR COSTS OF TERMINATING CONTRACTS UNDER THE NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.

None of the funds authorized to be appropriated or otherwise made available by this Act to the Secretary of Defense for the National Polar-Orbiting Operational Environmental Satellite System Program may be obligated or expended for the costs of terminating a contract awarded under the Program unless the Secretary of Defense and the Secretary of Commerce enter into an agreement under which the Secretary of Defense and the Secretary of Commerce will each be responsible for half the costs of terminating the contract.

SEC. 913. LIMITATION ON USE OF FUNDS FOR PURCHASING GLOBAL POSITIONING SYSTEM USER EQUIPMENT.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated or otherwise made available by this Act or any other Act for the Department of Defense may be obligated or expended to purchase user equipment for the Global Positioning System during fiscal years after fiscal year 2017 unless the equipment is capable of receiving the military code (commonly known as the ''M code'') from the Global Positioning System.

(b) EXCEPTION.—The limitation under subsection (a) shall not apply with respect to the purchase of passenger vehicles or commercial vehicles in which Global Positioning System equipment is installed.

(c) WAIVER.—The Secretary of Defense may waive the limitation under subsection (a) if the Secretary determines that—

(1) suitable user equipment capable of receiving the military code from the Global Positioning System is not available; or

(2) with respect to a purchase of user equipment, the Department of Defense does not require that user equipment to be capable of receiving the military code from the Global Positioning System.

SEC. 914. PLAN FOR INTEGRATION OF SPACE-BASED NUCLEAR DETECTION SENSORS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Director of National Intelligence and the Administrator for Nuclear Security, submit to the congressional defense committees a plan to integrate space-based nuclear detection sensors in a geosynchronous orbit on the Space-Based Infrared System or other satellite platforms.

(b) LIMITATION ON USE OF FUNDS FOR THE SPACE-BASED INFRARED SYSTEM.—

(1) IN GENERAL.—Not more than 90 percent of the amounts specified in paragraph (2) may be obligated or expended before the date on which the Secretary of Defense submits to the congressional defense committees the plan required by subsection (a).

(2) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are the following:

(A) The amount authorized to be appropriated by section 103 for procurement for the Air Force for missiles for the Space-Based Infrared System.

(B) The amount authorized to be appropriated by section 201 for research, development, test, and evaluation for the Air Force for the Space-Based Infrared System.

SEC. 915. PRESERVATION OF THE SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Administrator of the National Aeronautics and Space Administration, submit to the appropriate committees of Congress a report on the impact of the cancellation of the Constellation program of the National Aeronautics and Space Administration on any anticipated next generation mission requirements for missile defense interceptors, tactical and strategic missiles, targets, and satellite and human spaceflight launch vehicles.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A description and assessment of the effects on Department of Defense programs that utilize solid rocket motors of the cancellation of the Ares I, the Ares V, or their solid rocket alternatives or derivatives, and all supporting elements.

(2) A description of the plans of the Department of Defense to mitigate the impact of the cancellation of the Ares I, the Ares V, or their solid rocket alternatives or derivatives, and all supporting elements, on the United States solid rocket motor industrial base, including a description of the National Aeronautics and Space Administration and Department of Defense funding required to implement such plans between fiscal years 2012 and 2017.

(3) A description of the impact of the cancellation of the Ares I, Ares V, or their solid rocket alternatives or derivatives, and all supporting elements, on international partners in programs such as the D–5 Trident missile.

(4) A detailed description of the source of the data used in the report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Commerce, Science, and Transportation, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Science and Technology, and Appropriations of the House of Representatives.

SEC. 916. IMPLEMENTATION PLAN TO SUSTAIN SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall develop an implementation plan to sustain the solid rocket motor industrial base that—

(1) is based on the recommendations included in the report submitted to the congressional defense committees under section 1078 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2479); and

(2) includes a funding plan for carrying out the implementation plan.

(b) SUBMITTAL TO CONGRESS.—The implementation plan required by subsection (a) shall be submitted to Congress with the budget of the President for fiscal year 2012 as submitted under section 1105(a) of title 31, United States Code.

SEC. 917. REVIEW AND PLAN ON SUSTAINMENT OF LIQUID ROCKET PROPULSION SYSTEMS INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Administrator of the National Aeronautics and Space Administration, review, and develop a plan to sustain, the liquid rocket propulsion systems industrial base.

(b) ELEMENTS.—The review and plan required by subsection (a) shall address the following:

(1) The capacity to maintain currently available liquid rocket propulsion systems.

(2) The maintenance of an intellectual and engineering capacity to support next generation liquid rocket propulsion systems and engines, as needed.

(3) Opportunities for interagency collaboration and research and development on future propulsion systems.

(c) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees the plan required by subsection (a).

Subtitle C—Intelligence-Related Matters

SEC. 921. FIVE-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.

The second sentence of section 431(a) of title 10, United States Code, is amended by striking ''December 31, 2010'' and inserting ''December 31, 2015''.

SEC. 922. MODIFICATION OF ATTENDEES AT PROCEEDINGS OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE INTEGRATION COUNCIL.

(a) FINDINGS.—Section 923(a)(4) of the National Defense Authorization Act for Fiscal

Year 2004 (Public Law 108–163; 117 Stat. 1574; 10 U.S.C. 426 note) is amended by striking ''National Foreign Intelligence Program (NFIP), Joint Military Intelligence Program (JMIP), and Tactical Intelligence and Related Activities Program (TIARA)'' and inserting ''National Intelligence Program (NIP) and a Military Intelligence Program (MIP)''.

(b) ADDITIONAL AUTHORIZED ATTENDEES.—Section 426(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) Each Secretary of a military department may designate an officer or employee of such military department to attend the proceedings of the Council as a representative of such military department.''.

SEC. 923. REPORT ON DEPARTMENT OF DEFENSE INTERSERVICE MANAGEMENT AND COORDINATION OF REMOTELY PILOTED AIRCRAFT SUPPORT OF INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE.

(a) REPORT REQUIRED.—

(1) REPORT TO SECRETARY OF DEFENSE BY CHIEFS OF STAFF.—Not later than 120 days after the date of the enactment of this Act, the Chief of Staff of the Army, the Chief of Naval Operations, and the Chief of Staff of the Air Force shall jointly submit to the Secretary of Defense a report, in accordance with this section, on remotely piloted aircraft (RPA) support of intelligence, surveillance, and reconnaissance (ISR) within their respective Armed Forces.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after the receipt of the report required by paragraph (1), the Secretary shall transmit the report, together with the assessment and any recommendations of the Secretary (including the matters required pursuant to subsection (b)(2)), to the congressional defense committees.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) In the case of the report required by subsection (a)(1), a description by each chief of staff referred to in that subsection of—

(A) current and planned remotely piloted aircraft inventories to support intelligence, surveillance, and reconnaissance requirements over the period 2011 to 2020, including an identification of systems each Armed Force considers organic and the systems capable of providing theater-level support to the commanders of the combatant commands;

(B) policy and processes of each Armed Force for coordinating investments in remotely piloted aircraft to meet joint force requirements for intelligence, surveillance, and reconnaissance and to eliminate unnecessary duplication in both development and capability; and

(C) the current employment of remotely piloted aircraft by each Armed Force, including the number of remotely piloted aircraft deployed in support operations, the number of remotely piloted aircraft assigned for training, and the number of remotely piloted aircraft warehoused, the capacity of each Armed Force to process, exploit, and disseminate intelligence, surveillance, and reconnaissance data collected, and the extent to which assets are provided to the joint community to meet requirements of the combatant commands.

(2) In the case of the transmittal required by subsection (a)(2)—

(A) an assessment of the effectiveness of the employment of remotely piloted aircraft by each Armed Force, and a description of the percentage of joint force requirements for intelligence, surveillance, and reconnaissance that are being met by the remotely piloted aircraft of each Armed Force;

(B) a description of the joint concept of operations under which each Armed Force provides intelligence, surveillance, and reconnaissance capabilities through remotely piloted aircraft to meet the requirements of the combatant commands;

(C) a description of the processes by which current requirements of the commanders of the combatant commands for intelligence, surveillance, and reconnaissance are validated, and how the remotely piloted aircraft capabilities of each Armed Force are assigned against validated requirements;

(D) a description of the current intelligence, surveillance, and reconnaissance requirements of each combatant command through remotely piloted aircraft;

(E) a description of how the requirements described under subparagraph (D) are being met;

(F) an identification of any mission degradation or failure within the combatant commands due to lack of intelligence, surveillance, and reconnaissance support;

(G) a description of various means of addressing any shortfalls in meeting the requirements described under subparagraph (D), including temporary shortfalls and permanent shortfalls;

(H) a description of the organization of the Unmanned Aerial System Task Force, including the goals and objectives of the task force and the participation and roles of each Armed Force within the task force;

(I) a description of the organization of the Intelligence, Surveillance, and Reconnaissance Task Force, including the goals and objectives of the task force and the participation and roles of each Armed Force within the task force; and

(J) an identification of any theater-level intelligence, surveillance, and reconnaissance capacity of an Armed Force that is not being made available by services to fulfill joint force requirements for intelligence, surveillance, and reconnaissance.

(c) REMOTELY PILOTED AIRCRAFT DEFINED.—In this section, the term '' remotely piloted aircraft'' means any unmanned aircraft operated remotely, whether within or beyond line-of-sight, including unmanned aerial systems (UAS), unmanned aerial vehicles (UAV), remotely piloted vehicles (RPV), and remotely piloted aircraft (RPA).

SEC. 924. REPORT ON REQUIREMENTS FULFILLMENT AND PERSONNEL MANAGEMENT RELATING TO AIR FORCE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE PROVIDED BY REMOTELY PILOTED AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Air Force shall, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Intelligence, submit to the appropriate committees of Congress a report on requirements fulfillment and personnel management in connection with Air Force intelligence, surveillance, and reconnaissance (ISR) provided by remotely piloted aircraft (RPA).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the Joint Concept of Operation under which the Air Force operates to fulfill intelligence, surveillance, and reconnaissance requirements provided by remotely piloted aircraft.

(2) A description of the current requirements of each combatant command for Air Force intelligence, surveillance, and reconnaissance provided by remotely piloted aircraft, including—

(A) the number of orbits or combat air patrols for each major platform and sensor payload combination;

(B) the number of aircraft, aircraft operators, and ground crews in each orbit or combat air patrol, variations in the numbers of each, and the explanation for such variations;

(C) a description of how requirements are being met by the management of personnel, platforms, sensors, and networks; and

(D) a description of various means of addressing any shortfalls in meeting such requirements, including temporary shortfalls and permanent shortfalls.

(3) A description of manpower management to fulfill Air Force mission requirements for intelligence, surveillance, and reconnaissance requirements provided by remotely piloted aircraft, including the current number of personnel associated with each combat air patrol by remotely piloted aircraft for aircraft pilots, sensor operators, mission intelligence coordinators, and processing, exploitation, and dissemination analysts (in this section referred to as ''operators and analysts for remotely piloted aircraft'').

(4) A description of current Air Force manpower requirements for operators and analysts for remotely piloted aircraft, and any plans for meeting such requirements, including—

(A) an identification of any shortfalls in personnel, skill specialties, and grades; and

(B) any plans of the Air Force to address such shortfalls, including—

(i) plans to address shortfalls in applicable career field retention rates; and

(ii) plans for utilization of National Guard and other reserve component personnel to address shortfalls in such personnel, skill specialties, and grades.

(5) A description of the projected Air Force manpower requirements for operators and analysts for remotely piloted aircraft in each of 2015 and 2020, including—

(A) an identification of any significant challenges to achieving such requirements in particular skill specialties and grades; and

(B) any plans of the Air Force to address such challenges.

(6) A description of the collaboration of the Air Force with, and the reliance of the Air Force on, the other Armed Forces and the combat support agencies, in asset management for intelligence, surveillance, and reconnaissance by remotely piloted aircraft, including personnel for processing, exploitation, and dissemination.

(7) A description of potential adverse consequences of operating intelligence, surveillance, and reconnaissance by remotely piloted aircraft, and associated intelligence support infrastructure, in a surge, understaffed state, or both, including—

(A) the impact of having to provide forward processing, exploitation, and dissemination to support emerging capabilities; and

(B) any plans of the Air Force to mitigate such consequences.

(8) A description of the status of Air Force training programs for operators and analysts for remotely piloted aircraft, including the ability to meet Air Force manpower requirements for such operators and analysts, and plans for increasing training capacity to match plans for expanding Air Force intelligence, surveillance, and reconnaissance capabilities.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

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

SEC. 931. CONTINUOUS MONITORING OF DEPARTMENT OF DEFENSE INFORMATION SYSTEMS FOR CYBERSECURITY.

(a) IN GENERAL.—The Secretary of Defense shall direct the Chief Information Officer of the Department of Defense to work, in coordination with the Chief Information Officers of the military departments and the Defense Agencies and with senior cybersecurity and information assurance officials within the Department of Defense and otherwise within the Federal Government, to achieve, to the extent practicable, the following:

(1) The continuous prioritization of the policies, principles, standards, and guidelines developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) based upon the evolving threat of information security incidents with respect to national security systems, the vulnerability of such systems to such incidents, and the consequences of information security incidents involving such systems.

(2) The automation of continuous monitoring of the effectiveness of the information security policies, procedures, and practices within the information infrastructure of the Department of Defense, and the compliance of that infrastructure with such policies, procedures, and practices, including automation of—

(A) management, operational, and technical controls of every information system identified in the inventory required under section 3505(c) of title 44, United States Code; and

(B) management, operational, and technical controls relied on for evaluations under section 3545 of title 44, United States Code.

(b) DEFINITIONS.—In this section:

(1) The term ''information security incident'' means an occurrence that—

(A) actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information such system processes, stores, or transmits; or

(B) constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies with respect to an information system.

(2) The term ''information infrastructure'' means the underlying framework, equipment, and software that an information system and related assets rely on to process, transmit, receive, or store information electronically.

(3) The term ''national security system'' has the meaning given that term in section 3542(b)(2) of title 44, United States Code.

SEC. 932. STRATEGY ON COMPUTER SOFTWARE ASSURANCE.

(a) STRATEGY REQUIRED.—The Secretary of Defense shall develop and implement, by not later than October 1, 2011, a strategy for assuring the security of software and software-based applications for all covered systems.

(b) COVERED SYSTEMS.—For purposes of this section, a covered system is any critical information system or weapon system of the Department of Defense, including the following:

(1) A major system, as that term is defined in section 2302(5) of title 10, United States Code.

(2) A national security system, as that term is defined in section 3542(b)(2) of title 44, United States Code.

(3) Any Department of Defense information system categorized as Mission Assurance Category I.

(4) Any Department of Defense information system categorized as Mission Assurance Category II in accordance with Department of Defense Directive 8500.01E.

(c) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Policy and regulations on the following:

(A) Software assurance generally.

(B) Contract requirements for software assurance for covered systems in development and production.

(C) Inclusion of software assurance in milestone reviews and milestone approvals.

(D) Rigorous test and evaluation of software assurance in development, acceptance, and operational tests.

(E) Certification and accreditation requirements for software assurance for new systems and for updates for legacy systems, including mechanisms to monitor and enforce reciprocity of certification and accreditation processes among the military departments and Defense Agencies.

(F) Remediation in legacy systems of critical software assurance deficiencies that are defined as critical in accordance with the Application Security Technical Implementation Guide of the Defense Information Systems Agency.

(2) Allocation of adequate facilities and other resources for test and evaluation and certification and accreditation of software to meet applicable requirements for research and development, systems acquisition, and operations.

(3) Mechanisms for protection against compromise of information systems through the supply chain or cyber attack by acquiring and improving automated tools for—

(A) assuring the security of software and software applications during software development;

(B) detecting vulnerabilities during testing of software; and

(C) detecting intrusions during real-time monitoring of software applications.

(4) Mechanisms providing the Department of Defense with the capabilities—

(A) to monitor systems and applications in order to detect and defeat attempts to penetrate or disable such systems and applications; and

(B) to ensure that such monitoring capabilities are integrated into the Department of Defense system of cyber defense-in-depth capabilities.

(5) An update to Committee for National Security Systems Instruction No. 4009, entitled ''National Information Assurance Glossary'', to include a standard definition for software security assurance.

(6) Either—

(A) mechanisms to ensure that vulnerable Mission Assurance Category III information systems, if penetrated, cannot be used as a foundation for penetration of protected covered systems, and means for assessing the effectiveness of such mechanisms; or

(B) plans to address critical vulnerabilities in Mission Assurance Category III information systems to prevent their use for intrusions of Mission Assurance Category I systems and Mission Assurance Category II systems.

(7) A funding mechanism for remediation of critical software assurance vulnerabilities in legacy systems.

(d) REPORT.—Not later than October 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the strategy required by subsection (a). The report shall include the following:

(1) A description of the current status of the strategy required by subsection (a) and of the implementation of the strategy, including a description of the role of the strategy in the risk management by the Department regarding the supply chain and in operational planning for cyber security.

(2) A description of the risks, if any, that the Department will accept in the strategy due to limitations on funds or other applicable constraints.

SEC. 933. STRATEGY FOR ACQUISITION AND OVERSIGHT OF DEPARTMENT OF DEFENSE CYBER WARFARE CAPABILITIES.

(a) STRATEGY REQUIRED.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a strategy to provide for the rapid acquisition of tools, applications, and other capabilities for cyber warfare for the United States Cyber Command and the cyber operations components of the military departments.

(b) BASIC ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) An orderly process for determining and approving operational requirements.

(2) A well-defined, repeatable, transparent, and disciplined process for developing capabilities to meet such requirements, in accordance with the information technology acquisition process developed pursuant to section 804 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2225 note).

(3) The allocation of facilities and other resources to thoroughly test such capabilities in development, before deployment, and before use in order to validate performance and take into account collateral damage and other so-called second-order effects.

(c) ADDITIONAL ELEMENTS.—The strategy required by subsection (a) shall also provide for the following:

(1) Safeguards to prevent—

(A) the circumvention of operational requirements and acquisition processes through informal relationships among the United States Cyber Command, the Armed Forces, the National Security Agency, and the Defense Information Systems Agency; and

(B) the abuse of quick-reaction processes otherwise available for the rapid fielding of capabilities.

(2) The establishment of reporting and oversight processes for requirements generation and approval for cyber warfare capabilities, the assignment of responsibility for providing capabilities to meet such requirements, and the execution of development and deployment of such capabilities, under the authority of the Chairman of the Joint Requirements Oversight Council, the Under Secretary of Defense for Policy, and other officials in the Office of the Secretary of Defense, as designated in the strategy.

(3) The establishment and maintenance of test and evaluation facilities and resources for cyber infrastructure to support research and development, operational test and evaluation, operational planning and effects testing, and training by replicating or emulating networks and infrastructure maintained and operated by the military and political organizations of potential United States adversaries, by domestic and foreign telecommunications service providers, and by the Department of Defense.

(4) An organization or organizations within the Department of Defense to be responsible for the operation and maintenance of cyber infrastructure for research, development, test, and evaluation purposes.

(5) Appropriate disclosure regarding United States cyber warfare capabilities to the independent test and evaluation community, and the involvement of that community in the development and maintenance of such capabilities, regardless of classification.

(6) The role of the private sector and appropriate Department of Defense organizations in developing capabilities to operate in

cyberspace, and a clear process for determining whether to allocate responsibility for responding to Department of Defense cyber warfare requirements through Federal Government personnel, contracts with private sector entities, or a combination of both.

(7) The roles of each military department, and of the combat support Defense Agencies, in the development of cyber warfare capabilities in support of offensive, defensive, and intelligence operational requirements.

(8) Mechanisms to promote information sharing, cooperative agreements, and collaboration with international, interagency, academic, and industrial partners in the development of cyber warfare capabilities.

(9) The manner in which the Department of Defense will promote interoperability, share innovation, and avoid unproductive duplication in cyber warfare capabilities through specialization among the components of the Department responsible for developing cyber capabilities.

(d) REPORT ON STRATEGY.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the strategy required by subsection (a). The report shall include a comprehensive description of the strategy and plans (including a schedule) for the implementation of the strategy.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 934. REPORT ON THE CYBER WARFARE POLICY OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Secretary of Defense shall submit to Congress a report on the cyber warfare policy of the Department of Defense.

(b) ELEMENTS.—The report required under this section shall include the following:

(1) A description of the policy and legal issues investigated and evaluated by the Department in considering the range of missions and activities that the Department may choose to conduct in cyberspace.

(2) The decisions of the Secretary with respect to such issues, and the recommendations of the Secretary to the President for decisions on such of those issues as exceed the authority of the Secretary to resolve, together with the rationale and justification of the Secretary for such decisions and recommendations.

(3) A description of the intentions of the Secretary with regard to modifying the National Military Strategy for Cyberspace Operations.

(4) The current use of, and potential applications of, modeling and simulation tools to identify likely cybersecurity vulnerabilities, as well as new protective and remediation means, within the Department.

(5) The application of modeling and simulation technology to develop strategies and programs to deter hostile or malicious activity intended to compromise Department information systems.

(c) FORM.—The report required under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 935. REPORTS ON DEPARTMENT OF DEFENSE PROGRESS IN DEFENDING THE DEPARTMENT AND THE DEFENSE INDUSTRIAL BASE FROM CYBER EVENTS.

(a) REPORTS ON PROGRESS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and March 1 every year thereafter through 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of the Department of Defense in defending the Department and the defense industrial base from cyber events (such as attacks, intrusions, and theft).

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) In the case of the first report, a baseline for measuring the progress of the Department of Defense in defending the Department and the defense industrial base from cyber events, including definitions of significant cyber events, an appropriate categorization of various types of cyber events, the basic methods used in various cyber events, the vulnerabilities exploited in such cyber events, and the metrics to be utilized to determine whether the Department is or is not making progress against an evolving cyber threat.

(2) An ongoing assessment of such baseline against key cyber defense strategies (described in subsection (c)) to determine implementation progress.

(3)(A) A description of the nature and scope of significant cyber events against the Department and the defense industrial base during the preceding year, including, for each such event, a description of the intelligence or other Department data acquired, the extent of the corruption or compromise of Department information or weapon systems, and the impact of such event on the Department generally and on operational capabilities.

(B) For any such event that has been investigated by or on behalf of the Damage Assessment Management Office, a synopsis of each damage assessment report, with emphasis on actions needing remediation.

(4) A comparative assessment of the offensive cyber warfare capabilities of current representative potential United States adversaries and nations with advanced cyber warfare capabilities with the capacity of the United States to defend—

(A) military networks and mission capabilities; and

(B) critical infrastructure.

(5) A comparative assessment of the offensive cyber warfare capabilities of the United States with the capacity of current representative potential United States adversaries and nations with advanced cyber warfare capabilities to defend against cyber attacks.

(6) A comparative assessment of the degree of dependency of current representative potential United States adversaries, nations with advanced cyber warfare capabilities, and the United States on networks that can be attacked through cyberspace.

(7) A description of known or suspected identified supply chain vulnerabilities, including known or suspected supply chain attacks, and actions to remediate such vulnerabilities.

(c) KEY CYBER DEFENSE STRATEGIES.—For purposes of subsection (b)(2), key cyber defense strategies include the following:

(1) Relevant valid Homeland Security Presidential Directives and National Security Presidential Directives.

(2) The Comprehensive National Cybersecurity Initiative.

(3) The National Military Strategy for Cyberspace Operations implementation plan.

(d) PERFORMANCE OF CERTAIN ASSESSMENTS.—The comparative assessment of critical infrastructure required by subsection (b)(4)(B) shall be performed by the Secretary of Homeland Security, in coordination with the Secretary of Defense and the heads of other agencies of the Government with specific responsibility for critical infrastructure.

(e) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

Subtitle E—Other Matters

SEC. 941. 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.

(a) EXTENSION OF WAIVER.—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by striking ''fiscal years 2009 and 2010'' and inserting ''fiscal years 2009 through 2012''.

(b) ANNUAL REPORT.—Paragraph (3) of such section is amended by striking ''in 2010 and 2011'' and inserting ''in each year through 2013''.

SEC. 942. ADDITIONAL REQUIREMENTS FOR QUADRENNIAL ROLES AND MISSIONS REVIEW IN 2011.

(a) ADDITIONAL ACTIVITIES CONSIDERED.—As part of the quadrennial roles and missions review conducted in 2011 pursuant to section 118b of title 10, United States Code, the Secretary of Defense shall give consideration to the following activities, giving particular attention to their role in counter-terrorism operations:

(1) Information operations.

(2) Detention and interrogation.

(b) ADDITIONAL REPORT REQUIREMENT.—In the report required by section 118b(d) of such title for such review in 2011, the Secretary of Defense shall—

(1) provide clear guidance on the nature and extent of which core competencies are associated with the activities listed in subsection (a); and

(2) identify the elements of the Department of Defense that are responsible or should be responsible for providing such core competencies.

SEC. 943. REPORT ON ORGANIZATIONAL STRUCTURE AND POLICY GUIDANCE OF THE DEPARTMENT OF DEFENSE REGARDING INFORMATION OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the organizational structure and policy guidance of the Department of Defense with respect to information operations.

(b) REVIEW.—In preparing the report required by subsection (a), the Secretary shall review the following:

(1) The extent to which the current definition of ''information operations'' in Department of Defense Directive 3600.1 is appropriate.

(2) The location of the office within the Department of the lead official responsible for information operations of the Department, including assessments of the most effective location and the need to designate a principal staff assistant to the Secretary of Defense for information operations.

(3) Departmental responsibility for the development, coordination, and oversight of Department policy on information operations and for the integration of such operations.

(4) Departmental responsibility for the planning, execution, and oversight of Department information operations.

(5) Departmental responsibility for coordination within the Department, and between the Department and other departments and agencies of the Federal Government, regarding Department information operations, and for the resolution of conflicts in the discharge of such operations, including an assessment of current coordination bodies and decisionmaking processes.

(6) The roles and responsibilities of the military departments, combat support agencies, the United States Special Operations Command, and the other combatant commands in the development and implementation of information operations.

(7) The roles and responsibilities of the defense intelligence agencies for support of information operations.

(8) The role in information operations of the following Department officials:

(A) The Assistant Secretary of Defense for Public Affairs.

(B) The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

(C) The senior official responsible for information processing and networking capabilities.

(9) The role of related capabilities in the discharge of information operations, including public affairs capabilities, civil-military operations capabilities, defense support of public diplomacy, and intelligence.

(10) The management structure of computer network operations in the Department for the discharge of information operations, and the policy in support of that component.

(11) The appropriate use, management, and oversight of contractors in the development and implementation of information operations, including an assessment of current guidance and policy directives pertaining to the uses of contractors for these purposes.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, with a classified annex, if necessary.

(d) DEPARTMENT OF DEFENSE DIRECTIVE.—Upon the submittal of the report required by subsection (a), the Secretary shall prescribe a revised directive for the Department of Defense on information operations. The directive shall take into account the results of the review conducted for purposes of the report.

(e) INFORMATION OPERATIONS DEFINED.—In this section, the term ''information operations'' means the information operations specified in Department of Defense Directive 3600.1, as follows:

(1) Electronic warfare.

(2) Computer network operations.

(3) Psychological operations.

(4) Military deception.

(5) Operations security.

SEC. 944. REPORT ON ORGANIZATIONAL STRUCTURES OF THE GEOGRAPHIC COMBATANT COMMAND HEADQUARTERS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the organizational structures of the headquarters of the geographic combatant commands.

(b) ELEMENTS.—The report required by subsection (a) shall include the following;

(1) A description of the organizational structure of the headquarters of each geographic combatant command.

(2) An assessment of the benefits and limitations of the different organizational structures in meeting the broad range of military missions of the geographic combatant commands.

(3) A description and assessment of the role and contributions of other departments and agencies of the Federal Government within each organizational structure, including a description of any plans to expand interagency participation in the geographic combatant commands in the future.

(4) A description of any lessons learned from the ongoing reorganization of the organizational structure of the United States Southern Command and the United States Africa Command, including an assessment of the value, if any, added by the position of civilian deputy to the commander of the United States Southern Command and to the commander of the United States Africa Command.

(5) Any other matters the Secretary and the Chairman consider appropriate.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Authorization of additional appropriations for operations in Afghanistan, Iraq, and Haiti for fiscal year 2010.
Sec. 1003. Budgetary effects of this Act.

Subtitle B—Counter-Drug Activities

Sec. 1011. Unified counter-drug and counter-terrorism campaign in Colombia.
Sec. 1012. Extension and modification of joint task forces support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1013. Reporting requirement on expenditures to support foreign counter-drug activities.
Sec. 1014. Support for counter-drug activities of certain foreign governments.
Sec. 1015. Notice to Congress on military construction projects for facilities of the Department of Defense and foreign law enforcement agencies for counter-drug activities.

Subtitle C—Naval Vessels and Shipyards

Sec. 1021. Extension of authority for reimbursement of expenses for certain Navy mess operations.
Sec. 1022. Expressing the sense of Congress regarding the naming of a naval combat vessel after Father Vincent Capodanno.
Sec. 1023. Requirements for long-range plan for construction of naval vessels.

Subtitle D—Counterterrorism

Sec. 1031. Extension of certain authority for making rewards for combating terrorism.
Sec. 1032. Extension of limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1033. Certification requirements relating to the transfer of individuals detained at Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
Sec. 1034. 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. 1035. Comprehensive review of force protection policies.

Subtitle E—Homeland Defense and Civil Support

Sec. 1041. Limitation on deactivation of existing Consequence Management Response Forces.

Subtitle F—Studies and Reports

Sec. 1051. Interagency national security knowledge and skills.
Sec. 1052. Report on establishing a Northeast Regional Joint Training Center.
Sec. 1053. Comptroller General report on previously requested reports.
Sec. 1054. Biennial report on nuclear triad.
Sec. 1055. Comptroller General study on common alignment of world regions in departments and agencies with international responsibilities.
Sec. 1056. Required reports concerning bomber modernization, sustainment, and recapitalization efforts in support of the national defense strategy.
Sec. 1057. Comptroller General study and recommendations regarding security of southern land border of the United States.

Subtitle G—Miscellaneous Authorities and Limitations

Sec. 1061. Public availability of Department of Defense reports required by law.
Sec. 1062. Prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons.
Sec. 1063. Development of criteria and methodology for determining the safety and security of nuclear weapons.

Subtitle H—Other Matters

Sec. 1071. National Defense Panel.
Sec. 1072. Sale of surplus military equipment to State and local homeland security and emergency management agencies.
Sec. 1073. Defense research and development rapid innovation program.
Sec. 1074. Authority to make excess nonlethal supplies available for domestic emergency assistance.
Sec. 1075. Technical and clerical amendments.
Sec. 1076. Study on optimal balance of manned and remotely piloted aircraft.
Sec. 1077. Treatment of successor contingency operation to Operation Iraqi Freedom.
Sec. 1078. Program to assess the utility of non-lethal weapons.
Sec. 1079. Sense of Congress on strategic nuclear force reductions.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be

counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN, IRAQ, AND HAITI FOR FISCAL YEAR 2010.

In addition to the amounts otherwise authorized to be appropriated by this division, the amounts authorized to be appropriated for fiscal year 2010 in title XV of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) are hereby increased, with respect to any such authorized amount, as follows:

(1) The amounts provided in sections 1502 through 1507 of such Act for the following procurement accounts are increased as follows:

(A) For aircraft procurement, Army, by $182,170,000.

(B) For weapons and tracked combat vehicles procurement, Army, by $3,000,000.

(C) For ammunition procurement, Army, by $17,055,000.

(D) For other procurement, Army, by $1,997,918,000.

(E) For the Joint Improvised Explosive Device Defeat Fund, by $400,000,000.

(F) For aircraft procurement, Navy, by $104,693,000.

(G) For other procurement, Navy, by $15,000,000.

(H) For procurement, Marine Corps, by $18,927,000.

(I) For aircraft procurement, Air Force, by $209,766,000.

(J) For ammunition procurement, Air Force, by $5,000,000.

(K) For other procurement, Air Force, by $576,895,000.

(L) For the Mine Resistant Ambush Protected Vehicle Fund, by $1,123,000,000.

(M) For defense-wide activities, by $189,276,000.

(2) The amounts provided in section 1508 of such Act for research, development, test, and evaluation are increased as follows:

(A) For the Army, by $61,962,000.

(B) For the Navy, by $5,360,000.

(C) For the Air Force, by $187,651,000.

(D) For defense-wide activities, by $22,138,000.

(3) The amounts provided in sections 1509, 1511, 1513, 1514, and 1515 of such Act for operation and maintenance are increased as follows:

(A) For the Army, by $11,700,965,000.

(B) For the Navy, by $2,428,702,000.

(C) For the Marine Corps, by $1,090,873,000.

(D) For the Air Force, by $3,845,047,000.

(E) For defense-wide activities, by $1,188,421,000.

(F) For the Army Reserve, by $67,399,000.

(G) For the Navy Reserve, by $61,842,000.

(H) For the Marine Corps Reserve, by $674,000.

(I) For the Air Force Reserve, by $95,819,000.

(J) For the Army National Guard, by $171,834,000.

(K) For the Air National Guard, by $161,281,000.

(L) For the Defense Health Program, by $33,367,000.

(M) For Drug Interdiction and Counterdrug Activities, Defense-wide, by $94,000,000.

(N) For the Afghanistan Security Forces Fund, by $2,604,000,000.

(O) For the Iraq Security Forces Fund, by $1,000,000,000.

(P) For Overseas Humanitarian, Disaster, and Civic Aid, by $255,000,000.

(Q) For Overseas Contingency Operations Transfer Fund, by $350,000,000.

(R) For Working Capital Funds, by $974,967,000.

(4) The amount provided in section 1512 of such Act for military personnel accounts is increased by $1,895,761,000.

SEC. 1003. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

Subtitle B—Counter-Drug Activities

SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), is further amended—

(1) in subsection (a), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (c), by striking ''2010'' and inserting ''2011''.

SEC. 1012. EXTENSION AND MODIFICATION OF JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION.—Subsection (b) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''2010'' and inserting ''2011''.

(b) AVAILABILITY OF AUTHORITY.—

(1) ADDITIONAL CONDITION ON AUTHORITY FOR SUPPORT AND ASSOCIATED WAIVER AUTHORITY.—Subsection (d) of such section is amended—

(A) by inserting ''(1)'' before ''Any support''; and

(B) by adding at the end the following new paragraph:

''(2)(A) Support for counter-terrorism activities provided under subsection (a) may only be provided if the Secretary of Defense determines that the objectives of using the counter-drug funds of any joint task force to provide such support relate significantly to the objectives of providing support for counter-drug activities by that joint task force or any other joint task force.

''(B) The Secretary of Defense may waive the requirements of subparagraph (A) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to Congress notice in writing of any waiver issued under this subparagraph.

''(C) The Secretary of Defense may delegate any responsibility of the Secretary under subparagraph (B) to the Deputy Secretary of Defense or to the Under Secretary of Defense for Policy. Except as provided in the preceding sentence, such a responsibility may not be delegated to any official of the Department of Defense or any other official.''.

(2) ANNUAL CERTIFICATION OF COMPLIANCE.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

''(4) A certification by the Secretary of Defense that any support provided under subsection (a) during such one-year period was provided in compliance with the requirements of subsection (d).''.

(3) INTERIM COMPLIANCE REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth—

(A) a description of each support activity provided by a joint task force under subsection (a) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note), as of the date of the submittal of such report; and

(B) a certification as to whether or not each such activity has been provided in compliance with the requirements of subsection (d) of such section, as amended by paragraph (1) of this subsection.

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1013 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking ''February 15, 2010'' and inserting ''February 15, 2011''.

SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1014(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), is further amended by striking ''2010'' and inserting ''2012''.

(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking ''either of fiscal years 2009 and 2010'' and inserting ''any of the fiscal years 2009 through 2012''.

SEC. 1015. NOTICE TO CONGRESS ON MILITARY CONSTRUCTION PROJECTS FOR FACILITIES OF THE DEPARTMENT OF DEFENSE AND FOREIGN LAW ENFORCEMENT AGENCIES FOR COUNTER-DRUG ACTIVITIES.

(a) NOTICE TO CONGRESS.—

(1) NOTICE.—Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) is amended—

(A) in subsection (b)(4), by inserting ''for the purpose of facilitating'' after ''within or outside the United States or''; and

(B) in subsection (h)(2)(A)—

(i) by striking ''modification or repair'' and inserting ''construction, modification, or repair'';

(ii) by striking ''a Department of Defense facility'' and inserting ''any facility''; and

(iii) by striking ''purpose'' and inserting ''purposes''.

(2) CONSTRUCTION OF NOTICE.—Subsection (h) of such section is further amended by adding at the end the following new paragraph:

''(3) This subsection may not be construed as an authorization for the use of funds for any military construction project that would exceed the approved cost limitations of an unspecified minor military construction project under section 2805(a)(2) of title 10, United States Code.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to facilities projects for which a decision is made to be carried out on or after that date.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) EXTENSION.—Subsection (b) of section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4585) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2015''.

(b) CLARIFICATION OF SCOPE OF AUTHORITY.—Subsection (a) of such section is amended by inserting ''in any fiscal year'' after ''may be used''.

SEC. 1022. EXPRESSING THE SENSE OF CONGRESS REGARDING THE NAMING OF A NAVAL COMBAT VESSEL AFTER FATHER VINCENT CAPODANNO.

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

(1) Father Vincent Capodanno was born on February 13, 1929, in Staten Island, New York.

(2) After attending Fordham University for a year, he entered the Maryknoll Missionary Seminary in upstate New York in 1949, and was ordained a Catholic priest in June 1957.

(3) Father Capodanno's first assignment as a missionary was working with aboriginal Taiwanese people in the mountains of Taiwan where he served in a parish and later in a school. After several years, Father Capodanno returned to the United States for leave and then was assigned to a Maryknoll school in Hong Kong.

(4) Father Vincent Capodanno volunteered as a Navy Chaplain and was commissioned a Lieutenant in the Chaplain Corps of the United States Naval Reserve in December 28, 1965.

(5) Father Vincent Capodanno selflessly extended his combat tour in Vietnam on the condition he was allowed to remain with the infantry.

(6) On September 4, 1967, during a fierce battle in the Thang Binh District of the Que-Son Valley in Vietnam, Father Capodanno went among the wounded and dying, giving last rites and caring for the injured. He was killed that day while taking care of his Marines.

(7) On January 7, 1969, Father Vincent Capodanno was awarded the Medal of Honor posthumously for comforting the wounded and dying during the Vietnam conflict. For his dedicated service, Father Capodanno was also awarded the Bronze Star, the Purple Heart, the Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal, the Vietnam Gallantry Cross with Palm, and the Vietnam Campaign Medal.

(8) In his memory, the U.S.S. Capodanno was commissioned on September 17, 1973. It is the only Naval vessel to date to have received a Papal blessing by Pope John Paul II in Naples, Italy, on September 4, 1981.

(9) The U.S.S. Capodanno was decommissioned on July 30, 1993.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of 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.

SEC. 1023. REQUIREMENTS FOR LONG-RANGE PLAN FOR CONSTRUCTION OF NAVAL VESSELS.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended to read as follows:

''§ 231. Long-range plan for construction of naval vessels

''(a) QUADRENNIAL NAVAL VESSEL CONSTRUCTION PLAN.—At the same time that the budget of the President is submitted under section 1105(a) of title 31 during each year in which the Secretary of Defense submits a quadrennial defense review, the Secretary of the Navy shall submit to the congressional defense committees a long-range plan for the construction of combatant and support vessels for the Navy that supports the force structure recommendations of the quadrennial defense review.

''(b) MATTERS INCLUDED.—The plan under subsection (a) shall include the following:

''(1) A detailed construction schedule of naval vessels for the 10-year period beginning on the date on which the plan is submitted, including a certification by the Secretary that the budget for the fiscal year in which the plan is submitted and the budget for the future-years defense program submitted under section 221 of this title are sufficient for funding such schedule.

''(2) A probable construction schedule for the 10-year period beginning on the date that is 10 years after the date on which the plan is submitted.

''(3) A notional construction schedule for the 10-year period beginning on the date that is 20 years after the date on which the plan is submitted.

''(4) The estimated levels of annual funding necessary to carry out the construction schedules under paragraphs (1), (2), and (3).

''(5) For the construction schedules under paragraphs (1) and (2)—

''(A) a determination by the Director of Cost Assessment and Program Evaluation of the level of funding necessary to execute such schedules; and

''(B) an evaluation by the Director of the potential risk associated with such schedules, including detailed effects on operational plans, missions, deployment schedules, and fulfillment of the requirements of the combatant commanders.

''(c) NAVAL COMPOSITION.—In submitting the plan under subsection (a), the Secretary shall ensure that such plan is in accordance with section 5062(b) of this title.

''(d) ASSESSMENT WHEN BUDGET IS INSUFFICIENT.—If the budget for a fiscal year provides for funding of the construction of naval vessels at a level that is less than the level determined necessary by the Director of Cost Assessment and Program Evaluation under subsection (b)(5), the Secretary of the Navy shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the budget, including the risk associated with a reduced force structure that may result from funding naval vessel construction at such a level.

''(e) CBO EVALUATION.—Not later than 60 days after the date on which the congressional defense committees receive the plan under subsection (a), the Director of the Congressional Budget Office shall submit to such committees a report assessing the sufficiency of the estimated levels of annual funding included in such plan with respect to the budget submitted during the year in which the plan is submitted and the future-years defense program submitted under section 221 of this title.

''(f) CHANGES TO THE CONSTRUCTION PLAN.—In any year in which a quadrennial defense review is not submitted and the budget of the President submitted under section 1105(a) of title 31 decreases the number of vessels requested in the future-years defense program submitted under section 221 of this title, the Secretary of the Navy shall submit to the congressional defense committees a report on such decrease including—

''(1) an addendum to the most recent quadrennial defense review that fully explains and justifies the decrease with respect to the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a); and

''(2) a description of the additional reviews and analyses considered by the Secretary after the previous quadrennial defense review was submitted that justify the decrease.

''(g) DEFINITIONS.—In this section:

''(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

''(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

''(3) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by striking the item relating to section 231 and inserting the following new item:

''231. Long-range plan for construction of naval vessels.''.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking ''2010'' and inserting ''2011''.

SEC. 1032. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

None of the funds authorized to be appropriated by this Act for fiscal year 2011 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 1033. CERTIFICATION REQUIREMENTS RELATING TO THE TRANSFER OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), during the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not use any of the amounts authorized to be appropriated by this Act or otherwise available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary 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. The Secretary shall notify Congress promptly upon issuance of any such order.

(b) CERTIFICATION.—The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or re-engage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(c) PROHIBITION AND WAIVER IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (3), during the one-year period beginning on the date of the enactment of this Act, the Secretary of Defense may not use any amount authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) WAIVER.—The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary 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. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) DEFINITIONS.—For the purposes of this section:

(1) The term ''individual detained at Guantanamo'' means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term ''foreign terrorist organization'' means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1034. 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.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUALS DESCRIBED.—An individual described in this subsection is any individual who, as of October 1, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(d) REPORT ON USE OF FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM GUANTANAMO.—

(1) REPORT REQUIRED.—Not later than April 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report, in classified or unclassified form, on the merits, costs, and risks of using any proposed facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(2) ELEMENTS OF THE REPORT.—The report required in paragraph (1) shall include each of the following:

(A) A discussion of the merits associated with any such proposed facility that would justify—

(i) using the facility instead of the facility at United States Naval Station, Guantanamo Bay, Cuba; and

(ii) the proposed facility's contribution to effecting a comprehensive policy for continuing military detention operations.

(B) The rationale for selecting the specific site for any such proposed facility, including details for the processes and criteria used for identifying the merits described in subparagraph (A) and for selecting the proposed site over reasonable alternative sites.

(C) A discussion of any potential risks to any community in the vicinity of any such proposed facility, the measures that could be taken to mitigate such risks, and the likely cost to the Department of Defense of implementing such measures.

(D) A discussion of any necessary modifications to any such proposed facility to ensure that any detainee transferred from Guantanamo Bay to such facility could not come into contact with any other individual, including any other person detained at such facility, that is not approved for such contact by the Department of Defense, and an assessment of the likely costs of such modifications.

(E) A discussion of any support at the site of any such proposed facility that would likely be provided by the Department of Defense, including the types of support, the number of personnel required for each such type, and an estimate of the cost of such support.

(F) A discussion of any support, other than support provided at a proposed facility, that would likely be provided by the Department of Defense for the operation of any such proposed facility, including the types of possible support, the number of personnel required for each such type, and an estimate of the cost of such support.

(G) A discussion of the legal issues, in the judgment of the Secretary of Defense, that could be raised as a result of detaining or imprisoning any individual described in subsection (c) at any such proposed facility that could not be raised while such individual is detained or imprisoned at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1035. COMPREHENSIVE REVIEW OF FORCE PROTECTION POLICIES.

(a) COMPREHENSIVE REVIEW REQUIRED.—The Secretary of Defense shall conduct a comprehensive review of Department of Defense policies, regulations, instructions, and directives pertaining to force protection within the Department.

(b) MATTERS COVERED.—The review required under subsection (a) shall include an assessment of each of the following:

(1) Information sharing practices across the Department of Defense, and among the State, local, and Federal partners of the Department of Defense.

(2) Antiterrorism and force protection standards relating to buildings, including standoff distances.

(3) Protective standards relating to chemical, biological, radiological, nuclear, and high explosives threats.

(4) Standards relating to access to Department bases.

(5) Standards for identity management within the Department, including such standards for identity cards and biometric identifications systems.

(6) Procedures for validating and approving individuals with regular or episodic access to military installations, including military personnel, civilian employees, contractors, family members of personnel, and other types of visitors.

(7) Procedures for sharing with appropriate Department of Defense officials with responsibility for force protection—

(A) information from the intelligence or law enforcement community regarding possible threats from terrorists or terrorist groups, criminal organizations, or other state and non-state foreign entities actively working to undermine the security interests of the United States; and

(B) information regarding personnel who have engaged in potentially suspicious activities or may otherwise pose a threat.

(8) Any legislative changes recommended for implementing the recommendations contained in the review.

(c) INTERIM REPORT.—Not later than September 1, 2012, the Secretary of Defense shall submit an interim report on the comprehensive review required under subsection (a).

(d) FINAL REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a final report on the comprehensive review required under subsection (a). The final report shall include such findings and recommendations as the Secretary considers appropriate based on the review, including recommended actions to be taken to implement the specific recommendations in the final report. The

final report shall be submitted in an unclassified format, but may include a classified annex.

Subtitle E—Homeland Defense and Civil Support

SEC. 1041. LIMITATION ON DEACTIVATION OF EXISTING CONSEQUENCE MANAGEMENT RESPONSE FORCES.

(a) LIMITATION.—The Secretary of Defense shall ensure that no Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Consequence Management Response Force established as of October 1, 2009, is deactivated or disestablished until the Secretary provides a certification described in subsection (b).

(b) CERTIFICATION.—The certification described in this subsection is a written certification to the congressional defense committees that there exists within the United States Armed Forces an alternative chemical, biological, radiological, nuclear, or high-yield explosive consequence management response capability that is at least as capable as two Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Consequence Management Response Forces.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on plans of the Department of Defense to establish Homeland Response Forces for domestic emergency response to incidents involving weapons of mass destruction.

(2) ELEMENTS OF REPORT.—The report required by this subsection shall include the following:

(A) A detailed description of the analysis that led to the decision to establish Homeland Response Forces described in paragraph (1), including—

(i) whether consideration was given to establishing Homeland Response Forces within the Reserves; and

(ii) the reasons for not planning to establish any Homeland Response Forces within the Reserves.

(B) A detailed description of the plans to establish Homeland Response Forces, including—

(i) the cost and schedule to establish, equip, maintain, and operate the proposed Homeland Response Forces;

(ii) guidelines for the employment of Homeland Response Forces; and

(iii) the portion of the costs of Homeland Response Forces that will be borne by the States.

(C) A detailed description of the proposed number and composition of Homeland Response Forces, including—

(i) the number and type of units in each Homeland Response Force; and

(ii) the number of personnel in each Homeland Response Force.

(D) A comparative assessment of the emergency response capabilities of a Homeland Response Force with the capabilities of a Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive Consequence Management Response Force, including—

(i) a comparison of the equipment proposed for each type of force;

(ii) a comparison of the proposed means of transportation for each type of force;

(iii) an estimate of the time it would take each type of force to deploy to an incident site; and

(iv) an estimate of the operational duration of each type of force at such a site.

(E) A description of the command and control arrangements proposed for the Homeland Response Forces, including a description of the degree to which the Homeland Response Forces would be subject to the direction and control of the Department of Defense, as compared to the Governor of the State in which they are located.

(F) The results of the United States Northern Command study of the possible concepts of operations and of the implementation of the Homeland Response Force plan in such a manner as to provide adequate capability to provide Federal defense support to civil authorities during domestic incidents involving weapons of mass destruction.

(G) Any other matters the Secretary considers appropriate.

(3) FORM OF REPORT.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

Subtitle F—Studies and Reports

SEC. 1051. INTERAGENCY NATIONAL SECURITY KNOWLEDGE AND SKILLS.

(a) STUDY REQUIRED.—

(1) SELECTION OF INDEPENDENT STUDY ORGANIZATION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an appropriate independent, nonprofit organization to conduct a study of the matters described in subsection (b).

(2) QUALIFICATIONS OF ORGANIZATION SELECTED.—The organization selected shall be qualified on the basis of having relevant expertise in the fields of national security and human capital development, and on the basis of such other criteria as the Secretary of Defense may determine.

(b) MATTERS TO BE COVERED.—The study required by subsection (a) shall assess the current state of interagency national security knowledge and skills in Department of Defense civilian and military personnel, and make recommendations for strengthening such knowledge and skills. At minimum, the study shall include assessments and recommendations on—

(1) interagency national security training, education, and rotational assignment opportunities available to civilians and military personnel;

(2) integration of interagency national security education into the professional military education system;

(3) levels of interagency national security knowledge and skills possessed by personnel currently serving in civilian executive and general or flag officer positions, as represented by the interagency education, training, and professional experiences they have undertaken;

(4) incentives that enable and encourage military and civilian personnel to undertake interagency assignment, education, and training opportunities, as well as disincentives and obstacles that discourage undertaking such opportunities; and

(5) any plans or current efforts to improve the interagency national security knowledge and skills of civilian and military personnel.

(c) REPORT.—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings and recommendations from the study required by subsection (a).

(d) DEFINITION.—In this section, the term ''interagency national security knowledge and skills'' means an understanding of, and the ability to efficiently and expeditiously work within, the structures, mechanisms, and processes by which the departments, agencies, and elements of the Federal Government that have national security missions coordinate and integrate their policies, capabilities, budgets, expertise, and activities to accomplish such missions.

SEC. 1052. REPORT ON ESTABLISHING A NORTHEAST REGIONAL JOINT TRAINING CENTER.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the need for the establishment of a Northeast Regional Joint Training Center.

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

(1) A list of facilities in the Northeastern United States at which, as of the date of the enactment of this Act, the Department of Defense has deployed or has committed to deploying joint training.

(2) A description of the extent to which such facilities have sufficient unused capacity and expertise to accommodate and fully utilize joint training.

(3) A list of potential locations for the Northeast Regional Joint Training Center discussed in the report.

(c) CONSIDERATIONS WITH RESPECT TO LOCATION.—In determining potential locations for the Northeast Regional Joint Training Center to be discussed in the report required under subsection (a), the Secretary of Defense shall take into consideration Department of Defense facilities that have—

(1) a workforce of skilled personnel;

(2) live, virtual, and constructive training capabilities, and the ability to digitally connect them and the associated battle command structure at the tactical and operational levels;

(3) an extensive deployment history in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) a location in the Northeastern United States;

(5) the capacity or potential capacity to accommodate a target training audience range of 500 to 4,000 additional personnel; and

(6) the capability to accommodate the training of current and future joint forces.

SEC. 1053. COMPTROLLER GENERAL REPORT ON PREVIOUSLY REQUESTED REPORTS.

(a) REPORT REQUIRED.—Not later than March 1, 2011, the Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report evaluating the sufficiency, adequacy, and conclusions of the following reports:

(1) The report on Air Force fighter force shortfalls, as required by the report of the House of Representatives numbered 111–166, which accompanied the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(2) The report on procurement of 4.5 generation fighters, as required by section 131 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2218).

(3) The report on combat air forces restructuring, as required by the report of the House of Representatives numbered 111–288, which accompanied the conference report for the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(b) MATTERS COVERED BY REPORT.—The report required by subsection (a) shall examine the potential costs and benefits of each of the following:

(1) The service life extension program costs to sustain the legacy fighter fleet to meet inventory requirements with an emphasis on the service life extension program compared to other options such as procurement of 4.5 generation fighters.

(2) The Falcon Structural Augmentation Roadmap of F–16s, with emphasis on the cost-benefit of such effort and the effect of such efforts on the service life of the airframes.

(3) Any additional programs designed to extend the service life of legacy fighter aircraft.

(c) PROHIBITION.—No fighter aircraft may be retired from the Air Force or the Air National Guard inventory in fiscal year 2011 until the date that is 90 days after the date on which the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives receive the report required under subsection (a).

SEC. 1054. BIENNIAL REPORT ON NUCLEAR TRIAD.

(a) REPORT.—Not later than March 1 of each even-numbered year, beginning March 1, 2012, the Secretary of Defense, in consultation with the Administrator for Nuclear Security, shall submit to the congressional defense committees a report on the nuclear triad.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A detailed discussion of the modernization and sustainment plans for each component of the nuclear triad over the 10-year period beginning on the date of the report.

(2) The funding required for each platform of the nuclear triad with respect to operation and maintenance, modernization, and replacement.

(3) Any industrial capacities that the Secretary considers vital to ensure the viability of the nuclear triad.

(c) NUCLEAR TRIAD DEFINED.—In this section, the term ''nuclear triad'' means the nuclear deterrent capabilities of the United States composed of ballistic missile submarines, land-based missiles, and strategic bombers.

SEC. 1055. COMPTROLLER GENERAL STUDY ON COMMON ALIGNMENT OF WORLD REGIONS IN DEPARTMENTS AND AGENCIES WITH INTERNATIONAL RESPONSIBILITIES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct 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.

(b) DEPARTMENTS AND AGENCIES.—The following departments and agencies, at a minimum, shall be included in the study:

(1) The Department of State.

(2) The Department of the Treasury.

(3) The Department of Defense.

(4) The Department of Justice.

(5) The Department of Commerce.

(6) The Department of Homeland Security.

(7) The United States Agency for International Development.

(8) The agencies comprising the intelligence community.

(9) Such other departments, agencies, and Federal organizations with significant international responsibilities as the Comptroller General considers appropriate.

(c) COOPERATION AND ACCESS.—The heads of the departments and agencies included in the study shall provide full cooperation with, and access to appropriate information on organizational structures to, the Comptroller General for the purposes of conducting the study.

(d) MATTERS COVERED.—The study required under subsection (a) shall, at a minimum, assess—

(1) problems and inefficiencies resulting from lack of a common alignment, including impediments to interagency collaboration;

(2) obstacles to implementing a common alignment;

(3) advantages and disadvantages of a common alignment; and

(4) measures taken to address challenges associated with the lack of a common alignment.

(e) REPORT.—The Comptroller General shall submit to Congress a report on the study required under subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 1056. REQUIRED REPORTS CONCERNING BOMBER MODERNIZATION, SUSTAINMENT, AND RECAPITALIZATION EFFORTS IN SUPPORT OF THE NATIONAL DEFENSE STRATEGY.

(a) AIR FORCE REPORT.—

(1) REPORT REQUIRED.—Not later than 360 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

(A) a discussion of the cost, schedule, and performance of all planned efforts to modernize and keep viable the existing B–1, B–2, and B–52 bomber fleets and a discussion of the forecasted service-life and all sustainment challenges that the Secretary of the Air Force may confront in keeping those platforms viable until the anticipated retirement of such aircraft;

(B) a discussion, presented in a comparison and contrast type format, of the scope of the 2007 Next-Generation Long Range Strike Analysis of Alternatives guidance and subsequent Analysis of Alternatives report tasked by the Under Secretary of Defense for Acquisition, Technology, and Logistics in the September 11, 2006, Acquisition Decision Memorandum, as compared to the scope and directed guidance of the year 2010 Long Range Strike Study effort currently being conducted by the Under Secretary of Defense for Policy and the Office of the Secretary of Defense's Cost Assessment and Program Evaluation Office; and

(C) a discussion of the preliminary costs, any development, testing, fielding and operational employment challenges, capability gaps, limitations, and shortfalls of the Secretary of Defense's plan to field a long-range, penetrating, survivable, persistent and enduring ''family of systems'' as compared to the preliminary costs, any development, testing, fielding, and operational employment of a singular platform that encompasses all the required aforementioned characteristics.

(2) PREPARATION OF REPORT.—The report under paragraph (1) shall be prepared by a federally funded research and development center selected by the Secretary of the Air Force and submitted to the Secretary for submittal by the Secretary in accordance with that paragraph.

(b) COST ANALYSIS AND PROGRAM EVALUATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the Cost Analysis and Program Evaluation of the Office of the Secretary of Defense shall submit to the congressional defense committees a report that includes—

(1) the assumptions and estimated lifecycle costs of the Department's long-range, penetrating, survivable, persistent, and enduring ''family of systems'' platforms; and

(2) the assumptions and estimated lifecycle costs of the Next Generation Platform program, as planned, prior to the cancellation of the program on April 6, 2009.

SEC. 1057. COMPTROLLER GENERAL STUDY AND RECOMMENDATIONS REGARDING SECURITY OF SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) STUDY AND REPORT REQUIRED.—The Comptroller General of the United States shall conduct a study of the security of the southern land border of the United States and ongoing United States Government efforts to improve such security. Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the study and such recommendations based on such findings as the Comptroller General considers to be appropriate.

(b) ISSUES ADDRESSED.—The study and report required by subsection (a) shall address, at a minimum, the following issues:

(1) The extent to which the United States has or has not achieved and maintained operational control over the southern land border of the United States, as defined in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

(2) The extent to which any lack of operational control over the southern land border of the United States has resulted in the operation of illicit networks trafficking in people, drugs, illegal weapons and money, violence associated with such illegal activities, and other impacts adverse to the interests of the United States.

(3) The costs and benefits of steps, including but not limited to the steps identified in subsection (c), that could be taken by elements of the United States Government to achieve operational control over the southern land border of the United States.

(4) The costs and benefits of an increased role for the Department of Defense in taking any such steps.

(5) The adequacy of current information sharing agreements and other related agreements between Federal, State, local, and tribal law enforcement authorities with regard to the security of the southern land border of the United States.

(6) The impact of any increased deployment of unmanned aerial systems or unmanned aircraft on the use and availability of the National Airspace in the area of the southern land border of the United States.

(c) SPECIFIC STEPS TO BE CONSIDERED.—The steps to be considered by the Comptroller General pursuant to paragraphs (3) and (4) of subsection (b) shall include the following:

(1) The deployment of additional units or members of the National Guard or other Department of Defense personnel to the southern land border of the United States.

(2) The commitment of additional border patrol agents or other civilian law enforcement personnel to the southern land border of the United States.

(3) The construction of additional fencing, including double-layer and triple-layer fencing.

(4) The increased use of ground-based mobile surveillance systems by military or civilian personnel.

(5) The deployment of additional unmanned aerial systems and manned aircraft to provide surveillance of the southern land border of the United States.

(6) The deployment and provision of capability for radio communications interoperability between U.S. Customs and Border Protection and State, local, and tribal law enforcement agencies.

(7) The construction of checkpoints along the southern land border of the United States.

(8) The use of additional mobile patrols by military or civilian personnel, particularly in rural, high-trafficked areas, as designated by the Commissioner of Customs and Border Protection.

Subtitle G—Miscellaneous Authorities and Limitations

SEC. 1061. PUBLIC AVAILABILITY OF DEPARTMENT OF DEFENSE REPORTS REQUIRED BY LAW.

(a) PUBLIC AVAILABILITY.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 122 the following new section:

''§ 122a. Public availability of Department of Defense reports required by law

''(a) IN GENERAL.—The Secretary of Defense shall ensure that each report described in subsection (b) is made available to the public, upon request submitted on or after the date on which such report is submitted to Congress, through the Office of the Assistant Secretary of Defense for Public Affairs.

''(b) COVERED REPORTS.—(1) Except as provided in paragraph (2), a report described in this subsection is any report that is required by law to be submitted to Congress by the Secretary of Defense, or by any element of the Department of Defense.

''(2) A report otherwise described in paragraph (1) is not a report described in this subsection if the report contains—

''(A) classified information;

''(B) proprietary information;

''(C) information that is exempt from disclosure under section 552 of title 5 (commonly referred to as the 'Freedom of Information Act'); or

''(D) any other type of information that the Secretary of Defense determines should not be made available to the public in the interest of national security.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 122 the following new item:

''122a. Public availability of Department of Defense reports required by law.''.

(b) EFFECTIVE DATE.—Section 122a of title 10, United States Code (as added by subsection (a)), shall take effect 90 days after the date of the enactment of this Act, and shall apply with respect to reports that are required by law to be submitted to Congress on or after that date.

SEC. 1062. PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.

(a) IN GENERAL.—Except as provided in subsection (c), the Secretary of Defense shall not prohibit, issue any requirement relating to, or collect or record any information relating to the otherwise lawful acquisition, possession, ownership, carrying, or other use of a privately owned firearm, privately owned ammunition, or another privately owned weapon by a member of the Armed Forces or civilian employee of the Department of Defense on property that is not—

(1) a military installation; or

(2) any other property that is owned or operated by the Department of Defense.

(b) EXISTING REGULATIONS AND RECORDS.—

(1) REGULATIONS.—Any regulation promulgated before the date of enactment of this Act shall have no force or effect to the extent that it requires conduct prohibited by this section.

(2) RECORDS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall destroy any record containing information described in subsection (a) that was collected before the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to limit the authority of the Secretary of Defense to—

(1) create or maintain records relating to, or regulate the possession, carrying, or other use of a firearm, ammunition, or other weapon by a member of the Armed Forces or civilian employee of the Department of Defense while—

(A) engaged in official duties on behalf of the Department of Defense; or

(B) wearing the uniform of an Armed Force; or

(2) create or maintain records relating to an investigation, prosecution, or adjudication of an alleged violation of law (including regulations not prohibited under subsection (a)), including matters related to whether a member of the Armed Forces constitutes a threat to the member or others.

(d) REVIEW.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall—

(1) conduct a comprehensive review of the privately owned weapons policy of the Department of Defense, including legal and policy issues regarding the regulation of privately owned firearms off of a military installation, as recommended by the Department of Defense Independent Review Related to Fort Hood; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report regarding the findings of and recommendations relating to the review conducted under paragraph (1), including any recommendations for adjustments to the requirements under this section.

(e) MILITARY INSTALLATION DEFINED.—In this section, the term ''military installation'' has the meaning given that term under section 2687(e)(1) of title 10, United States Code.

SEC. 1063. DEVELOPMENT OF CRITERIA AND METHODOLOGY FOR DETERMINING THE SAFETY AND SECURITY OF NUCLEAR WEAPONS.

(a) IN GENERAL.—The Secretary of Energy and the Secretary of Defense shall, acting through the Nuclear Weapons Council, develop the following:

(1) Criteria for determining the appropriate baseline for safety and security of nuclear weapons through the life cycle of such weapons.

(2) A methodology for determining the level of safety and security that may be achieved through a life extension program for each type of nuclear weapon.

(b) REPORT REQUIRED.—Not later than March 1, 2012, the Secretary of Energy and the Secretary of Defense shall jointly submit to the congressional defense committees a report containing the criteria and the methodology developed pursuant to subsection (a).

Subtitle H—Other Matters

SEC. 1071. NATIONAL DEFENSE PANEL.

Subsection (f) of section 118 of title 10, United States Code, is amended to read as follows:

''(f) NATIONAL DEFENSE PANEL.—

''(1) ESTABLISHMENT.—Not later than February 1 of a year in which a quadrennial defense review is conducted under this section, there shall be established an independent panel to be known as the National Defense Panel (in this subsection referred to as the 'Panel'). The Panel shall have the duties set forth in this subsection.

''(2) MEMBERSHIP.—The Panel shall be composed of ten members from private civilian life who are recognized experts in matters relating to the national security of the United States. Eight of the members shall be appointed as follows:

''(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

''(B) Two by the chairman of the Committee on Armed Services of the Senate.

''(C) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

''(D) Two by the ranking member of the Committee on Armed Services of the Senate.

''(3) CO-CHAIRS OF THE PANEL.—In addition to the members appointed under paragraph (2), the Secretary of Defense shall appoint two members from private civilian life to serve as co-chairs of the panel.

''(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

''(5) DUTIES.—The Panel shall have the following duties with respect to a quadrennial defense review:

''(A) While the review is being conducted, the Panel shall review the updates from the Secretary of Defense required under paragraph (8) on the conduct of the review.

''(B) The Panel shall—

''(i) review the Secretary of Defense's terms of reference and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the quadrennial defense review;

''(ii) conduct an assessment of the assumptions, strategy, findings, and risks of the report on the quadrennial defense review required in subsection (d), with particular attention paid to the risks described in that report;

''(iii) conduct an independent assessment of a variety of possible force structures of the armed forces, including the force structure identified in the report on the quadrennial defense review required in subsection (d);

''(iv) review the resource requirements identified pursuant to subsection (b)(3) and, to the extent practicable, make a general comparison to the resource requirements to support the forces contemplated under the force structures assessed under this subparagraph; and

''(v) provide to Congress and the Secretary of Defense, through the report under paragraph (7), any recommendations it considers appropriate for their consideration.

''(6) FIRST MEETING.—If the Secretary of Defense has not made the Secretary's appointments to the Panel under paragraph (3) by February 1 of a year in which a quadrennial defense review is conducted under this section, the Panel shall convene for its first meeting with the remaining members.

''(7) REPORT.—Not later than 3 months after the date on which the report on a quadrennial defense review is submitted under subsection (d) to the congressional committees named in that subsection, the Panel established under paragraph (1) shall submit to those committees an assessment of the quadrennial defense review, including a description of the items addressed under paragraph (5) with respect to that quadrennial defense review.

''(8) UPDATES FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall ensure that periodically, but not less often than every 60 days, or at the request of the co-chairs, the Department of Defense briefs the Panel on the progress of the conduct of a quadrennial defense review under subsection (a).

''(9) ADMINISTRATIVE PROVISIONS.—

''(A) The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this subsection. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

''(B) Upon the request of the co-chairs, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

''(C) The Panel shall have the authorities provided in section 3161 of title 5 and shall be

subject to the conditions set forth in such section.

''(D) Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

''(10) TERMINATION.—The Panel for a quadrennial defense review shall terminate 45 days after the date on which the Panel submits its final report on the quadrennial defense review under paragraph (7).''.

SEC. 1072. SALE OF SURPLUS MILITARY EQUIPMENT TO STATE AND LOCAL HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCIES.

(a) STATE AND LOCAL AGENCIES TO WHICH SALES MAY BE MADE.—Section 2576 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''State and local law enforcement and firefighting agencies'' and inserting ''State and local law enforcement, firefighting, homeland security, and emergency management agencies''; and

(B) by striking ''in carrying out law enforcement and firefighting activities'' and inserting ''in carrying out law enforcement, firefighting, homeland security, and emergency management activities''; and

(2) in subsection (b), by striking ''State or local law enforcement or firefighting agency'' both places it appears and inserting ''State or local law enforcement, firefighting, homeland security, or emergency management agency''.

(b) TYPES OF EQUIPMENT THAT MAY BE SOLD.—Subsection (a) of such section is further amended by striking ''and protective body armor'' and inserting ''personal protective equipment, and other appropriate equipment''.

(c) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies''.

(2) TABLE OF SECTIONS.—The item relating to section 2576 in the table of sections at the beginning of chapter 153 of such title is amended to read as follows:

''2576. Surplus military equipment: sale to State and local law enforcement, firefighting, homeland security, and emergency management agencies.''.

SEC. 1073. DEFENSE RESEARCH AND DEVELOPMENT RAPID INNOVATION PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Defense shall establish a competitive, merit-based program to accelerate the fielding of technologies developed pursuant to phase II Small Business Innovation Research Program projects, technologies developed by the defense laboratories, and other innovative technologies (including dual use technologies). The purpose of this program is to stimulate innovative technologies and reduce acquisition or lifecycle costs, address technical risks, improve the timeliness and thoroughness of test and evaluation outcomes, and rapidly insert such products directly in support of primarily major defense acquisition programs, but also other defense acquisition programs that meet critical national security needs.

(b) GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue guidelines for the operation of the program. At a minimum such guidance shall provide for the following:

(1) The issuance of an annual broad agency announcement or the use of any other competitive or merit-based processes by the Department of Defense and by each military department for candidate proposals in direct support of primarily major defense acquisition programs, but also other defense acquisition programs as described in subsection (a).

(2) The review of candidate proposals by the Department of Defense and by each military department and the merit-based selection of the most promising cost-effective proposals for funding through contracts, cooperative agreements, and other transactions for the purposes of carrying out the program.

(3) The total amount of funding provided to any project under the program shall not exceed $3,000,000, unless the Secretary, or the Secretary's designee, approves a larger amount of funding for the project. Any such approval shall be made on a case-by-case basis and notice of any such approval shall be submitted to the congressional defense committees by not later than 30 days after such approval is made.

(4) No project shall be funded under the program for more than two years, unless the Secretary, or the Secretary's designee, approves funding for any additional year. Any such approval shall be made on a case-by-case basis and notice of any such approval shall be submitted to the congressional defense committees by not later than 30 days after such approval is made.

(c) TREATMENT PURSUANT TO CERTAIN CONGRESSIONAL RULES.—Nothing in this section shall be interpreted to require or enable any official of the Department of Defense to provide funding under this section to any earmark as defined pursuant to House Rule XXI, clause 9, or any congressionally directed spending item as defined pursuant to Senate Rule XLIV, paragraph 5.

(d) FUNDING.—Subject to the availability of appropriations for such purpose, the amounts authorized to be appropriated for research, development, test, and evaluation for each of fiscal years 2011 through 2015 may be used for any such fiscal year for the program established under subsection (a).

(e) TRANSFER AUTHORITY.—The Secretary may transfer funds available for the program to the research, development, test, and evaluation accounts of a military department, defense agency, or the unified combatant command for special operations forces pursuant to a proposal, or any part of a proposal, that the Secretary determines would directly support the purposes of the program. The transfer authority provided in this subsection is in addition to any other transfer authority available to the Department of Defense.

(f) REPORT.—Not later than 60 days after the last day of a fiscal year during which the Secretary carries out a program under this section, the Secretary shall submit to the congressional defense committees a report that includes a list and description of each project funded under this section, including, for each such project, the amount of funding provided for the project, the defense acquisition program that the project supports, including the extent to which the project meets needs identified in its acquisition plan, the anticipated timeline for transition for the project, and the degree to which a competitive, merit-based process was used to evaluate and select the performers of the projects selected under this program.

(g) TERMINATION.—The authority to carry out a program under this section shall terminate on September 30, 2015. Any amounts made available for the program that remain available for obligation on the date the program terminates may be transferred under subsection (e) during the 180-day period beginning on the date of the termination of the program.

SEC. 1074. AUTHORITY TO MAKE EXCESS NONLETHAL SUPPLIES AVAILABLE FOR DOMESTIC EMERGENCY ASSISTANCE.

(a) DOMESTIC AUTHORITY.—Section 2557 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by adding at the end the following new sentence: ''In addition, the Secretary may make nonlethal excess supplies of the Department available to support domestic emergency assistance activities.''; and

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''Excess''; and

(B) by adding at the end the following new paragraph:

''(2) Excess supplies made available under this section to support domestic emergency assistance activities shall be transferred to the Secretary of Homeland Security. The Secretary of Defense may provide assistance in the distribution of such supplies at the request of the Secretary of Homeland Security.''.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance''.

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 152 of such title is amended to read as follows:

''2557. Excess nonlethal supplies: availability for humanitarian relief, domestic emergency assistance, and homeless veterans assistance.''.

SEC. 1075. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) Section 8344(l)(2)(B), as added by section 1122(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2505), is amended by striking ''5201 et seq.'' and inserting ''5211 et seq.''.

(2) Section 9902(a)(2), as added by section 1113(d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2499), is amended by striking ''chapters'' both places it appears and inserting ''chapter''.

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A and at the beginning of part II of such subtitle are amended by striking ''1031'' in the item relating to chapter 53 and inserting ''1030''.

(2) Section 127a is amended—

(A) in subsection (a)(1)(A), by striking ''Armed Forces'' and inserting ''armed forces''; and

(B) in subsection (b)(1) by striking ''Armed Forces'' both places it appears and inserting ''armed forces''.

(3) Section 127d(d)(1) is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(4) Section 132 is amended—

(A) by redesignating subsection (d), as added by section 2831(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2669), as subsection (e); and

(B) in such subsection, by striking ''Guam Executive Council'' and inserting ''Guam Oversight Council''.

(5) Section 139c(d)(4) is amended by adding at period at the end.

(6) Section 139d(a)(6) is amended by striking ''propriety'' and inserting ''proprietary''.

(7) Section 172 is amended—

(A) by striking ''(a)'' before ''The Secretaries''; and

(B) by striking subsection (b).

(8) Section 181(b)(3) is amended by striking ''Performance Evaluation'' and inserting ''Program Evaluation''.

(9) Section 186 is amended by redesignating the second subsection (c) (relating to definitions) as subsection (d).

(10)(A) Section 382 is amended by striking ''section 175 or 2332c'' in subsections (a), (b)(2)(C), and (d)(2)(A)(ii) and inserting ''section 175, 229, or 2332a''.

(B) The heading of such section is amended by striking ''**CHEMICAL OR BIOLOGICAL**''.

(C) The table of sections at the beginning of chapter 18 is amended by striking the item relating to section 382 and inserting the following new item:

''382. Emergency situations involving weapons of mass destruction.''.

(11) Section 428(f) is amended by striking '', United States Code,''.

(12) Section 525 is amended—

(A) in subsection (d), by striking ''section 601(b)(4)'' and inserting ''section 601(b)(5)''; and

(B) in subsection (g)(1)—

(i) by striking ''and is not'' and inserting ''and are not''; and

(ii) by adding at period at the end.

(13) Section 841(c) is amended by striking ''trail counsel'' and inserting ''trial counsel''.

(14) Section 843(b)(2)(B)(v) is amended by striking ''Kidnaping; indecent assault;'' and inserting ''Kidnaping, indecent assault,''.

(15) Section 1030(e)(1) is amended by striking ''3 years,'' and inserting ''three years.''.

(16) Section 1146 is amended—

(A) in subsection (a), by striking ''(a) BENEFITS FOR MEMBERS INVOLUNTARILY SEPARATED.—'', as added by section 5(1) of Public Law 110–317 (122 Stat. 3528);

(B) by redesignating the second subsection (b) as subsection (c); and

(C) in subsection (c), as so redesignated—

(i) by striking ''BENEFITS FOR'' in the subsection heading;

(ii) by striking ''Armed Forces'' in the matter preceding paragraph (1) and inserting ''armed forces''; and

(iii) by striking ''the members entitlement'' in paragraph (2) and inserting ''the member's entitlement''.

(17) Section 1174(i) is amended by striking ''Armed Forces'' each place it appears and inserting ''armed forces''.

(18) Section 1175a(j)(3) is amended by striking ''title 10'' and inserting ''this title''.

(19) Section 1203(b)(4)(B) is amended by striking ''determination,,'' and inserting ''determination,''.

(20) Section 1482a(c)(3) is amended by striking ''section 1482(a)(11)'' and inserting ''section 1482(e)(5)(A)''.

(21) Section 1566a(a)(1) is amended by inserting a close parenthesis before the period at the end.

(22) Section 1599c(a)(2)(B) is amended by striking ''subchapter 1'' and inserting ''subchapter I''.

(23) Section 1781b(d) is amended by striking ''March 1, 2008, and each year thereafter'' and inserting ''March 1 each year''.

(24) Section 1781c(h)(1) is amended by striking ''180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter'' and inserting ''April 30 each year''.

(25) Section 1788(b) is amended by striking ''Armed Forces'' and inserting ''armed forces''.

(26) Section 2004b(b)(1) is amended by striking ''pay grade 0–3'' and inserting ''pay grade O–3''.

(27) The table of sections at the beginning of chapter 104 is amended by transferring the item relating to section 2113a to appear after the item relating to section 2113.

(28) Section 2130a(b)(1) is amended by striking ''Training Program'' both places it appears and inserting ''Training Corps program''.

(29) Section 2222(a) is amended by striking ''Effective October 1, 2005, funds'' and inserting ''Funds''.

(30) The table of sections at the beginning of subchapter I of chapter 134, as amended by section 1031(a)(2) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2448), is amended by transferring the item relating to section 2241a from the end of the table of sections to appear after the item relating to section 2241.

(31) Section 2323(a)(1)(D) is amended by inserting a close parenthesis before the semicolon.

(32) Section 2362(e)(1) is amended by striking ''IV'' and inserting ''V''.

(33) Section 2366a(c) is amended—

(A) by inserting a space between ''(c)'' and the subsection heading; and

(B) in paragraph (4), by striking ''section 125a(a) of this title'' and inserting ''section 118b(c)(3) of this title''.

(34) Section 2433(a)(1) is amended by striking ''section 2430a(c)'' and inserting ''section 2430a(d)''.

(35) Section 2433a(b)(2)(B) is amended by striking ''section 181(g)((1)'' and inserting ''section 181(g)(1)''.

(36) Section 2476(d)(2)(D) is amended by striking ''Navy Depots'' and inserting ''Navy depots''.

(37) Section 2488(f) is amended by striking ''Armed Forces'' both places it appears and inserting ''armed forces''.

(38) Section 2533a(d) is amended in paragraphs (1) and (4) by striking ''(b)(1)(A), (b)(2), or (b)(3)'' and inserting ''(b)(1)(A) or (b)(2)''.

(39) Section 2603 is amended by striking ''Armed Forces'' both places it appears and inserting ''armed forces''.

(40) Section 2642(a)(3) is amended by striking ''During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010'' and inserting ''During the period beginning on October 28, 2009, and ending on October 28, 2014''.

(41) Section 2667(e) is amended—

(A) in paragraph (1)(A)(ii), by striking ''sections 2668 and 2669'' and inserting ''section 2668''; and

(B) in paragraph (5), by striking ''subsection (f)'' and inserting ''subsection (g)''.

(42) Section 2671(a)(2) is amended by striking ''Armed Forces'' and inserting ''armed forces''.

(43) Section 2684a(g)(1) is amended by striking ''March 1, 2007, and annually thereafter'' and inserting ''March 1 each year''.

(44) Section 2687a(a) is amended by striking ''31for'' and inserting ''31 for''.

(45) Section 2694c(d)(4) is amended by inserting ''Authorization'' after ''Military Construction''.

(46) Chapter 160 is amended—

(A) in section 2700(2), by inserting '' 'pollutant or contaminant','' after '' 'person',''; and

(B) in section 2701(b)(1), by striking ''hazardous substances, pollutants, and contaminants'' and inserting ''a hazardous substance or pollutant or contaminant''.

(47) The table of subchapters at the beginning of chapter 173 is amended by inserting ''Sec.'' above ''2911''.

(48) Section 2922d is amended by striking ''1 or more'' each place it appears and inserting ''one or more''.

(49) Section 7042(a)(1)(A) is amended by striking the comma after ''captain''.

(50) Section 9515 is amended—

(A) in subsection (b), by striking ''Section 1356 of the National Defense Authorization Act for 2008'' and inserting ''section 1356 of the National Defense Authorization Act for Fiscal Year 2008'';

(B) in subsection (f)(2), by striking ''paragraph (2)'' and inserting ''paragraph (1)''; and

(C) in subsection (j)(1), by striking ''United States Code,''.

(51) Section 10214 is amended by striking ''14508(e)'' and inserting ''14508(h)''.

(52) Section 10216 is amended by striking ''section 115(c)'' in subsections (b)(1), (c)(1), and (c)(2)(A) and inserting ''section 115(d)''.

(53) Section 10217(c)(1) is amended—

(A) by striking ''Effective October 1, 2007, the'' and inserting ''The''; and

(B) by striking ''after the preceding sentence takes effect''.

(54) Section 12203(a) is amended by striking ''above'' in the first sentence and inserting ''of''.

(55) Section 16132a is amended—

(A) in subsection (b)(1), by striking ''agreement to service'' and inserting ''agreement to serve''; and

(B) in subsection (i)(2), by striking ''whose''.

(56) Section 16163a(b)(2) is amended by striking ''section (j)'' and inserting ''subsection (j)''.

(c) TITLE 37.—Title 37, United States Code, is amended as follows:

(1) Section 303a(e)(3)(B) is amended by inserting ''of'' after ''result''.

(2) The table of sections at the beginning of chapter 5 is amended by striking the item related to section 312 and inserting the following new item:

''312. Special pay: nuclear-qualified officers extending period of active service.''.

(3) The table of sections at the beginning of chapter 7 is amended—

(A) by striking the item related to section 438 and inserting the following new item:

''411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured.''; and

(B) by striking the item related to section 438 and inserting the following new item:

''438. Preventive health services allowance.''.

(4) Section 411k(d)(1) is amended by striking ''allowances section'' and inserting ''allowances under section''.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010.—Effective as of October 28, 2009, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) is amended as follows:

(1) Section 325(d)(4) (123 Stat. 2254) is amended by striking ''section 236'' and inserting ''section 235''.

(2) Section 502(c)(3) (123 Stat. 2274) is amended by striking ''officers'' and inserting ''general officers and flag officers''.

(3) Section 581(a)(1)(C) (123 Stat. 2326) is amended by striking ''subsection (f)'' and inserting ''subsection (g), as redesignated by section 582(b)(1)''.

(4) Section 584(a) (123 Stat. 2330) is amended by striking ''such Act'' and inserting ''the Uniformed and Overseas Citizens Absentee Voting Act''.

(5) Section 585(b)(1) (123 Stat. 2331) is amended by striking subparagraphs (A) and (B), and inserting the following new subparagraphs:

''(A) in paragraph (2), by striking 'section 102(4)' and inserting 'section 102(a)(4)'; and

''(B) by striking paragraph (4) and inserting the following new paragraph:

'''(4) prescribe a suggested design for absentee ballot mailing envelopes;'; and''.

(6) Section 589 (123 Stat. 2334; 42 U.S.C. 1973ff–7) is amended—

(A) in subsection (a)(1)—

(i) by striking ''section 107(a)'' and inserting ''section 107(1)''; and

(ii) by striking ''1973ff et seq.'' and inserting ''1973ff–6(1)''; and

(B) in subsection (e)(1), by striking ''1977ff note'' and inserting ''1973ff note''.

(7) The undesignated section immediately following section 603 (123 Stat. 2350) is designated as section 604.

(8) Section 714(c) (123 Stat. 2382; 10 U.S.C. 1071 note) is amended—

(A) by striking ''feasability'' both places it appears and inserting ''feasibility''; and

(B) by striking ''specialities'' both places it appears and inserting ''specialties''.

(9) Section 813(a)(3) (123 Stat. 2407) is amended by inserting ''order'' after ''task'' in the matter to be struck.

(10) Section 921(b)(2) (123 Stat. 2432) is amended by inserting ''subchapter I of'' before ''chapter 21''.

(11) Section 1014(c) (123 Stat. 2442) is amended by striking ''in which the support'' and inserting ''in which support''.

(12) Section 1043(d) (123 Stat. 2457; 10 U.S.C. 2353 note) is amended by striking ''et 13 seq.'' and inserting ''et seq.''.

(13) Section 1055(f) (123 Stat. 2462) is amended by striking ''Combating'' and inserting ''Combatting''.

(14) Section 1063(d)(2) (123 Stat. 2470) is amended by striking ''For purposes of this section, the'' and inserting ''The''.

(15) Section 1080(b) (123 Stat. 2479; 10 U.S.C. 801 note) is amended—

(A) by striking ''title 14'' and inserting ''title XIV'';

(B) by striking ''title 10'' and inserting ''title X''; and

(C) by striking ''the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366)'' and inserting ''chapter 47A of title 10, United States Code''.

(16) Section 1111(b) (123 Stat. 2495; 10 U.S.C. 1580 note prec.) is amended by striking ''the Secretary'' in the first sentence and inserting ''the Secretary of Defense''.

(17) Section 1113(g)(1) (123 Stat. 2502; 5 U.S.C. 9902 note) is amended by inserting ''United States Code,'' after ''title 5,'' the first place it appears.

(18) Section 1202(c) (123 Stat. 2512) is amended—

(A) by striking ''1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended in the second sentence'' and inserting ''1208(f)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 363), is further amended''; and

(B) by redesignating paragraphs (1) through (8), as proposed to be inserted, as subparagraphs (A) through (H), respectively and indenting the left margin of such subparagraphs, as so redesignated, 4 ems from the left margin.

(19) Section 1261 (123 Stat. 2553; 22 U.S.C. 6201 note) is amended by inserting a space between the first short title and ''or''.

(20) Section 1306(b) (123 Stat. 2560) is amended by striking ''fiscal year'' and inserting ''Fiscal Year''.

(21) Subsection (b) of section 1803 (123 Stat. 2612) is amended to read as follows:

''(b) APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.—

''(1) DEPARTMENT OF DEFENSE, EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS HURRICANES IN THE GULF OF MEXICO, AND PANDEMIC INFLUENZA ACT, 2006.—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–148; 10 U.S.C. 801 note) is amended by striking paragraph (3).

''(2) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Section 1405(e) of the Detainee Treatment Act of 2005 (Public Law 109–163; 10 U.S.C. 801 note) is amended by striking paragraph (3).''.

(22) Section 1916(b)(1)(B) (123 Stat. 2624) is amended by striking the comma after ''5941''.

(23) Section 2804(d)(2) (123 Stat. 2662) is amended by inserting ''subchapter III of'' before ''chapter 169''.

(24) Section 2835(f)(1) (123 Stat. 2677) is amended by striking ''publically-available'' and inserting ''publicly available''.

(25) Section 3503(b)(1) (123 Stat. 2719) is amended by striking the extra quotation marks.

(26) Section 3508(1) (123 Stat. 2721) is amended by striking ''headline'' and inserting ''heading''.

(e) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 143(b)(1) (122 Stat. 4381; 10 U.S.C. 2304 note) is amended by striking ''identifies'' and inserting ''identify''.

(2) Section 231(b) (122 Stat. 4391; 10 U.S.C. 2431 note) is amended by striking ''section'' and inserting ''subsection''.

(3) Section 233(a)(3) (122 Stat. 4393) is amended by striking ''122 Stat. 42'' and inserting ''122 Stat. 43''.

(4) Section 324(b) (122 Stat. 4416; 10 U.S.C. 8062 note) is amended by striking ''their'' and inserting ''its''.

(5) Section 332(e) (122 Stat. 4420; 10 U.S.C. 2911 note) is amended by striking ''section (d)'' and inserting ''subsection (d)''.

(6) Section 358(b) (122 Stat. 4427; 10 U.S.C. 2302 note) is amended by inserting a comma after ''Agent''.

(7) Section 596(b)(1)(D) (10 U.S.C. 1071 note), as amended by section 594 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2338), is amended by striking ''or flag'' the second place it appears.

(8) Section 597(f) (122 Stat. 4481) is amended by striking ''meeting'' and inserting ''meanings''.

(9) Section 604(b) (122 Stat. 4483) is amended by inserting ''of'' after ''(a)(1)''.

(10) Section 619(d) (122 Stat. 4489; 37 U.S.C. 353 note) is amended by striking ''such subsections'' and inserting ''such subsection''.

(11) Section 711(d)(2) (122 Stat. 4501) is amended by striking ''1111((b)'' and inserting ''1111(b)(3)''.

(12) Effective as of October 14, 2008, and as if included in Public Law 110–417 as enacted, section 727(b)(2) is amended by striking ''compelling''.

(13) Section 822(c)(1)(A) (122 Stat. 4532) is amended by striking ''this title'' and inserting ''title 10, United States Code''.

(14) Section 863(b)(3)(A) (122 Stat. 4547) is amended by striking ''subsection (d)(2)(A)'' and inserting ''subsection (d)(3)(A)''.

(15) Section 869 (122 Stat. 4553) is amended—

(A) in subsection (b), by striking ''433(a)'' and inserting ''433a(a)''; and

(B) in subsection (c)(4)—

(i) by striking ''37(j)'' and inserting ''37(g)''; and

(ii) by striking ''433(j)'' and inserting ''433(g)''.

(16) Section 873(a)(4) (122 Stat. 4558; 10 U.S.C. 6101 note) is amended by striking ''to Government'' and inserting ''to the Government''.

(17) Section 1111 (10 U.S.C. 143 note), as amended by section 1109 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2492), is amended—

(A) in subsection (a)(1), by striking ''section 821'' and inserting ''section 833''; and

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking ''secretary of a military department'' and inserting ''Secretary of a military department'';

(ii) in paragraph (1)—

(I) by striking ''the the requirements'' and inserting ''the requirements''; and

(II) by striking ''this title'' and inserting ''such title''; and

(iii) in paragraph (2), by striking ''any any of the following'' and inserting ''any of the following''.

(18) Section 1602(5) (122 Stat. 4653; 22 U.S.C. 2368 note) is amended by striking ''a Active'' and inserting ''an Active''.

(19) Section 3113 (122 Stat. 4754; 50 U.S.C. 2444) is amended—

(A) in subsection (b)(2), by inserting a close parenthesis before the semicolon; and

(B) in subsection (d)(2), by striking ''fails repay'' and inserting ''fails to repay''.

(20) Section 3512 (122 Stat. 4770; 48 U.S.C. 1421r) is amended by inserting a period at the end of subsection (f).

(f) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) is amended as follows:

(1) Section 624 (122 Stat. 153; 37 U.S.C. 307a note) is amended—

(A) in subsection (a), by striking ''Operating'' and inserting ''Operation''; and

(B) in subsection (b), by striking ''Operating'' and inserting ''Operation''.

(2) Effective as of January 28, 2008, and as if included in Public Law 110–181 as enacted, section 804 (122 Stat. 208) is amended—

(A) in subsection (a)(3), by striking ''speciality'' and inserting ''specialty''; and

(B) in subsection (e), by striking ''subsection (c)'' and inserting ''subsection (d)(1)''.

(3) Section 808 (122 Stat. 215; 10 U.S.C. 2330 note) is amended by redesignating the second subsection (c) as subsection (d).

(4) Section 827(a)(2) (122 Stat. 228; 10 U.S.C. 2410n note) is amended by striking ''subsection (a)'' and inserting ''paragraph (1)''.

(5) Section 843 (122 Stat. 236) is amended—

(A) in subsection (a)(2)(C), by striking ''paragraph (1)'' and inserting ''subparagraph (A)''; and

(B) in subsection (b)(2)(C), by striking ''paragraph (1)'' and inserting ''subparagraph (A)''.

(6) Section 890 (122 Stat. 269; 10 U.S.C. 2302 note) is amended—

(A) in subsection (a), by inserting ''Act'' before ''of 1979'';

(B) in subsection (b), by inserting ''Act'' before ''of 1979''; and

(C) in subsection (d)(1), by striking ''sections'' and inserting ''parts''.

(7) Section 1063(a)(16) (122 Stat. 322) is amended by striking ''(1)''.

(8) Effective as of January 28, 2008, and as if included in Public Law 110–181 as enacted, section 1075(a) (122 Stat. 333) is amended by striking ''June'' and inserting ''September''.

(9) Section 1243(c) (122 Stat. 396) is amended by striking ''4))'' and inserting ''4)))''.

(10) Section 1244(a)(3) (122 Stat. 396) is amended by striking ''4))'' and inserting ''4)))''.

(g) JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007.—Effective as of October 17, 2006, and as if included therein as enacted, the John Warner

National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) is amended as follows:

(1) Section 321(a)(1) (120 Stat. 2144; 10 U.S.C. 2222 note) is amended by striking ''Public Law 190–163'' and inserting ''Public Law 109–163''.

(2) Section 348(2) (120 Stat. 2159) is amended in the matter to be struck from and inserted in section 366(d) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2523) by striking ''within'' both places it appears and inserting ''Within''.

(3) Section 355(b)(1) (120 Stat. 2162) is amended in the matter to be struck from section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. note prec. 1030) by striking ''Operation Iraqi Freedom and Operation Enduring Freedom'' and inserting ''Operation Enduring Freedom and Operation Iraqi Freedom''.

(4) Section 511(b)(3) (120 Stat. 2183) is amended in the matter preceding subparagraph (A) by striking ''section'' and inserting ''title''.

(5) Section 705(b)(2) (120 Stat. 2281; 10 U.S.C. 1074g note) is amended by striking ''section 1074g(a)(2)(E)'' and inserting ''section 1074g(a)(2)''.

(6) Section 2821(b)(1) (120 Stat. 2474) is amended by inserting ''by striking'' after ''subsection (a)(1),''.

(h) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006.—Effective as of January 6, 2006, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is amended as follows:

(1) Section 515(h) (119 Stat. 3237; 10 U.S.C. 10101 note) is amended by striking ''10 USC 10101 note.''.

(2) Section 535(b) (119 Stat. 3249; 10 U.S.C. 2101 note) is amended by inserting ''of'' after ''Committee on Armed Services'' the first place it appears.

(3) Section 1056(e)(2) (119 Stat. 3440) is amended by striking ''Section'' and inserting ''Effective as of December 2, 2002, and as if included in Public Law 107–314 as enacted, section''.

(4) Section 1057 (119 Stat. 3440) is amended—

(A) in subsection (a)—

(i) in paragraph (5), by striking ''4778,''; and

(ii) in paragraph (6), by striking ''4747'' and inserting ''2651'';

(B) in subsection (b)(3)—

(i) by striking ''109,''; and

(ii) by adding at the end the following new sentence: ''Section 109 is amended by striking 'State or Territory, Puerto Rico, the Virgin Islands, or the District of Columbia' each place it appears and inserting 'State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands' ''; and

(C) in subsection (b)(5)—

(i) in the language to be struck from section 324 of title 32, United States Code, by striking the comma after ''Rico''; and

(ii) in the language to be inserted in section 324 of title 32, United States Code, by inserting ''of'' after ''Virgin Islands,''.

(5) Section 1104 (119 Stat. 3448) is amended—

(A) in subsection (a)(3)(A), by inserting ''the first place it appears'' before ''and inserting''; and

(B) in subsection (c), by striking ''subsection (c)(1)'' and inserting ''subsection (b)(2)''.

(6) Section 2806(c)(2)(A) (119 Stat. 3507) is amended in the matter to be struck from and inserted in section 2884(b)(1) of title 10, United States Code, by striking ''a'' both places it appears and inserting ''A''.

(i) RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005.—The Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) is amended as follows:

(1) Section 577(b)(12) (10 U.S.C. 113 note), as amended by section 563(e) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122. Stat. 4471) is amended by striking ''The Secretary shall implement'' and inserting ''Implementation of''.

(2) Section 1085 (118 Stat. 2065; 10 U.S.C. 113 note), as amended by section 360(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122. Stat. 78) is amended by striking ''subsection (a)'' and inserting ''section 360(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122. Stat. 77)''.

(j) BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003.—Section 1032(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note) is amended by striking ''thereafter,,'' and inserting ''thereafter,''.

(k) WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009.—Effective as of May 22, 2009, and as if included therein as enacted, section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1724) is amended—

(1) in subsection (a)(1)(B), by striking ''paragraphs (1) and (2)'' in the matter to be inserted and inserting ''paragraphs (1), (2), and (3)''; and

(2) in subsection (c), by striking ''2433a(c)(3)'' and inserting ''2433a(c)(1)(C)''.

(l) TECHNICAL CORRECTION REGARDING SBIR EXTENSION.—Section 9(m)(2) of the Small Business Act (15 U.S.C. 638(m)(2)), as added by section 847(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2420), is amended by striking ''is authorized'' and inserting ''are authorized''.

(m) TECHNICAL CORRECTION REGARDING SMALL SHIPYARDS AND MARITIME COMMUNITIES ASSISTANCE PROGRAM.—Section 3506 of the National Defense Authorization Act for Fiscal Year 2006, as reinstated by the amendment made by section 1073(c)(14) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2475), is repealed.

(n) TECHNICAL CORRECTION REGARDING DOT MARITIME HERITAGE PROPERTY.—Section 6(a)(1)(C) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)(C)), as amended by section 3509 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2721), is amended by striking ''the date of enactment of the Maritime Administration Authorization Act of 2010'' and inserting ''October 28, 2009''.

(o) TECHNICAL CORRECTION OF CITATION.—Section 42 of the Office of Federal Procurement Policy Act (41 U.S.C. 438) is amended—

(1) in subsection (c)(1) by striking ''(41 U.S.C. 607(b))'' and inserting ''(41 U.S.C. 607(d))''; and

(2) in subsection (c)(2)(A) by inserting ''of 1978'' after ''Contract Disputes Act''.

SEC. 1076. STUDY ON OPTIMAL BALANCE OF MANNED AND REMOTELY PILOTED AIRCRAFT.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall commission a study by an independent, non-profit organization on the optimal balance between manned and remotely piloted aircraft of the Armed Forces.

(2) SELECTION.—The independent, non-profit organization selected for the study under paragraph (1) shall be qualified on the basis of having performed work in the fields of national security and combat systems.

(b) MATTERS INCLUDED.—The study under subsection (a) shall include the following:

(1) With respect to each military department, an assessment of the feasibility and desirability of a more rapid transition from manned to remotely piloted aircraft for a range of operations, including combat operations.

(2) An evaluation of the current ability of each military department to resist attacks mounted by foreign militaries with significant investments in research and development and deployment of remotely piloted aircraft, including an assessment of each military department's ability to defend against—

(A) a large enemy force of remotely piloted aircraft; and

(B) any other relevant scenario involving remotely piloted aircraft that the Secretary determines appropriate.

(3) An analysis of—

(A) current and future capabilities of foreign militaries in developing and deploying remotely piloted aircraft; and

(B) identified vulnerabilities of United States weapons systems to foreign remotely piloted aircraft.

(4) Conclusions on the matters described in paragraphs (1) through (3) and what the independent, non-profit organization conducting the study determines is the optimal balance of investment in development and deployment of manned versus remotely piloted aircraft.

(c) REPORT.—Not later than December 1, 2011, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes the study under subsection (a).

(d) FORM.—

(1) STUDY.—The study under subsection (a) shall include a classified annex with respect to the matters described in subsection (b)(3).

(2) REPORT.—The report under subsection (c) may include a classified annex.

(e) REMOTELY PILOTED AIRCRAFT DEFINED.—In this section, the term ''remotely piloted aircraft'' means any unmanned aircraft operated remotely, whether within or beyond line-of-sight, including unmanned aerial systems, unmanned aerial vehicles, remotely piloted vehicles, and remotely piloted aircraft.

SEC. 1077. TREATMENT OF SUCCESSOR CONTINGENCY OPERATION TO OPERATION IRAQI FREEDOM.

Any law applicable to Operation Iraqi Freedom shall apply in the same manner and to the same extent to the successor contingency operation known as Operation New Dawn, except as specifically provided in this Act, any amendment made by this Act, or any other law enacted after the date of the enactment of this Act.

SEC. 1078. PROGRAM TO ASSESS THE UTILITY OF NON-LETHAL WEAPONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should support the research, development, test, and evaluation, procurement, and fielding of effective non-lethal weapons and technologies explicitly designed to, with respect to counterinsurgency operations, reduce military casualties and fatalities, improve military mission accomplishment and operational effectiveness, reduce civilian casualties and fatalities, and minimize undesired damage to property and the environment.

(b) PROGRAM REQUIRED.—

(1) DEMONSTRATION AND ASSESSMENT.—The Secretary of Defense, acting through the Executive Agent for Non-lethal Weapons and in

coordination with the Secretaries of the military departments and the combatant commanders, shall carry out a program to demonstrate and assess the utility and effectiveness of non-lethal weapons to provide escalation of force options in counter-insurgency operations.

(2) NON-LETHAL WEAPONS EVALUATED.—In evaluating non-lethal weapons under the program under this subsection, the Secretary shall include non-lethal weapons designed for counter-personnel and counter-materiel missions.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than October 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report on the role and utility of non-lethal weapons and technologies in counter-insurgency operations.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A description of the results of any demonstrations and assessments of non-lethal weapons conducted during fiscal year 2011.

(B) A description of the Secretary's plans for any demonstrations and assessments of non-lethal weapons to be conducted during fiscal years 2012 and 2013.

(C) A description of the extent to which non-lethal weapons doctrine, training, and employment include the use of strategic communications strategies to enable the effective employment of non-lethal weapons.

(D) A description of the input of the military departments in developing concepts of operations and tactics, techniques, and procedures for incorporating non-lethal weapons into the current escalation of force procedures of each department.

(E) A description of the extent to which non-lethal weapons and technologies are integrated into the standard equipment and training of military units.

SEC. 1079. SENSE OF CONGRESS ON STRATEGIC NUCLEAR FORCE REDUCTIONS.

It is the sense of Congress that no action should be taken to implement the reduction of the strategic nuclear forces of the United States below the levels described in the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms signed on April 8, 2010 (commonly known as the ''New START Treaty''), unless the President submits to the congressional defense committees a report on such reduction, including—

(1) the justification for such reduction;

(2) an assessment of the strategic environment, threat, and policy and the technical and operational implications of such reduction; and

(3) written certification by the President that—

(A) either—

(i) the strategic environment or the assessment of the threat allows for such reduction; or

(ii) technical measures to provide a commensurate or better level of safety, security, and reliability as before such reduction have been implemented for the remaining strategic nuclear forces of the United States;

(B) the remaining strategic nuclear forces of the United States provide a sufficient means of protection against unforeseen technical challenges and geopolitical events;

(C) such reduction is compensated by other measures (such as nuclear modernization, conventional forces, and missile defense) that together provide a commensurate or better deterrence capability and level of credibility as before such reduction; and

(D) measures to modernize the nuclear weapons complex are being implemented (or have been implemented) to provide a sufficiently responsive infrastructure to support the remaining strategic nuclear forces of the United States.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Clarification of authorities at personnel demonstration laboratories.
Sec. 1102. Requirements for Department of Defense senior mentors.
Sec. 1103. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1104. Extension and modification of enhanced Department of Defense appointment and compensation authority for personnel for care and treatment of wounded and injured members of the Armed Forces.
Sec. 1105. 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. 1101. CLARIFICATION OF AUTHORITIES AT PERSONNEL DEMONSTRATION LABORATORIES.

(a) CLARIFICATION OF APPLICABILITY OF DIRECT HIRE AUTHORITY.—Section 1108 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4618; 10 U.S.C. 1580 note) is amended—

(1) in subsection (b), by striking ''identified'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note) as a Department of Defense science and technology reinvention laboratory.''; and

(2) in subsection (c), by striking ''2 percent'' and inserting ''5 percent''.

(b) CLARIFICATION OF APPLICABILITY OF FULL IMPLEMENTATION REQUIREMENT.—Section 1107 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat 357; 10 U.S.C. 2358 note) is amended—

(1) in subsection (a), by striking ''that are exempted by'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2486; 10 U.S.C. 2358 note) as Department of Defense science and technology reinvention laboratories.''; and

(2) in subsection (c), by striking ''as enumerated in'' and all that follows and inserting ''designated by section 1105(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat 2486) as a Department of Defense science and technology reinvention laboratory.''.

(c) CORRECTION TO SECTION REFERENCE.—Section 1121 of the National Defense Authorization Act for Fiscal Year 2010 (123 Stat. 2505) is amended—

(1) in subsection (a), by striking ''Section 9902(h) of title 5, United States Code'' and inserting ''Section 9902(g) of title 5, United States Code, as redesignated by section 1113(b)(1)(B)''; and

(2) in subsection (b), by striking ''section 9902(h) of such title 5'' and inserting ''such section''.

(d) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect as of October 28, 2009.

(2) The amendment made by subsection (a)(2) shall take effect as of the date of enactment of this Act.

SEC. 1102. REQUIREMENTS FOR DEPARTMENT OF DEFENSE SENIOR MENTORS.

(a) IN GENERAL.—The Secretary of Defense shall issue appropriate policies and procedures to ensure that all senior mentors employed by the Department of Defense are—

(1) hired as highly qualified experts under section 9903 of title 5, United States Code; and

(2) required to comply with all applicable Federal laws and regulations on personnel and ethics matters.

(b) SENIOR MENTOR DEFINED.—In this section, the term ''senior mentor'' means a retired flag, general, or other military officer or retired senior civilian official who provides expert experience-based mentoring, teaching, training, advice, and recommendations to senior military officers, staffs, and students as they participate in war games, warfighting courses, operational planning, operational exercises, and decision-making exercises.

SEC. 1103. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2011, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as amended by section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2487), is further amended by striking ''calendar years 2009 and 2010'' and inserting ''calendar years 2009 through 2011''.

SEC. 1104. EXTENSION AND MODIFICATION OF ENHANCED DEPARTMENT OF DEFENSE APPOINTMENT AND COMPENSATION AUTHORITY FOR PERSONNEL FOR CARE AND TREATMENT OF WOUNDED AND INJURED MEMBERS OF THE ARMED FORCES.

(a) DESIGNATION OF OCCUPATIONS COVERED BY RECRUITMENT AND APPOINTMENT AUTHORITY.—Subsection (a)(2) of section 1599c of title 10, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''shortage category positions'' and inserting ''a shortage category occupation or critical need occupation''; and

(B) in clause (ii), by striking ''highly qualified persons directly'' and inserting ''qualified persons directly in the competitive service''; and

(2) by adding at the end the following new subparagraph:

''(C) Any designation by the Secretary for purposes of subparagraph (A)(i) shall be based on an analysis of current and future Department of Defense workforce requirements.''.

(b) EXTENSION.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by inserting ''under subsection (a)(1)'' after ''Secretary of Defense''; and

(B) by striking ''September 30, 2012'' and inserting ''December 31, 2015''; and

(2) in paragraph (2), by striking ''September 30, 2012'' and inserting ''December 31, 2015''.

SEC. 1105. 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.

(a) OVERTIME PAY AT TIME-AND-A-HALF RATE.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) Notwithstanding paragraphs (1) and (2), for an 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 and who would be nonexempt under the Fair Labor Standards Act but for the application of the foreign area exemption in section 13(f) of that Act (29 U.S.C. 213(f)), the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.

''(B) Subparagraph (A) shall expire on September 30, 2014.''.

(b) REPORTS.—

(1) SECRETARY OF NAVY REPORT.—Not later than September 30, 2013, the Secretary of the Navy shall submit to the Secretary of Defense and the Director of the Office of Personnel Management a report that—

(A) describes the use of the authority under paragraph (6) of section 5542(a) of title 5, United States Code, as added by subsection (a), including associated costs, and including an evaluation of the extent to which exercise of the authority helped the Navy in meeting its mission; and

(B) provides a recommendation on whether an extension of the provisions of that paragraph is needed.

(2) REPORT TO CONGRESS.—Not later than March 31, 2014, the Director of the Office of Personnel Management shall submit to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed Services and the Committee on Oversight and Governmental Reform of the House of Representatives a report that—

(A) addresses the use of paragraph (6) of section 5542(a) of title 5, United States Code, as so added, including associated costs, and including an evaluation of the extent to which exercise of the authority helped the Navy in meeting its mission;

(B) describes the extent to which other employees experience the same circumstances as were experienced by those described in that paragraph before its enactment;

(C) provides an analysis of the advantages and disadvantages that would be anticipated from extending the expiration date of the authority under that paragraph, and from expanding the authority under that paragraph to include other employees; and

(D) conveys the report of the Secretary of the Navy referred to in paragraph (1).

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Expansion of authority for support of special operations to combat terrorism.
Sec. 1202. Addition of allied government agencies to enhanced logistics interoperability authority.
Sec. 1203. 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. 1204. Authority to pay personnel expenses in connection with African cooperation.
Sec. 1205. Authority to build the capacity of Yemen Ministry of Interior Counter Terrorism Forces.
Sec. 1206. Air Force scholarships for Partnership for Peace nations to participate in the Euro-NATO Joint Jet Pilot Training program.
Sec. 1207. Modification and extension of authorities relating to program to build the capacity of foreign military forces.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1212. One-year extension and modification of Commanders' Emergency Response Program.
Sec. 1213. Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1214. Extension of authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1215. No permanent military bases in Afghanistan.
Sec. 1216. Authority to use funds for reintegration activities in Afghanistan.
Sec. 1217. Authority to establish a program to develop and carry out infrastructure projects in Afghanistan.
Sec. 1218. Extension of logistical support for coalition forces supporting operations in Iraq and Afghanistan.
Sec. 1219. Recommendations on oversight of contractors engaged in activities relating to Afghanistan.
Sec. 1220. Extension and modification of Pakistan Counterinsurgency Fund.

Subtitle C—Reports and Other Matters

Sec. 1231. One-year extension of report on progress toward security and stability in Afghanistan.
Sec. 1232. Two-year extension of United States plan for sustaining the Afghanistan National Security Forces.
Sec. 1233. Modification of report on responsible redeployment of United States Armed Forces from Iraq.
Sec. 1234. Report on Department of Defense support for coalition operations.
Sec. 1235. Reports on police training programs.
Sec. 1236. Report on certain Iraqis affiliated with the United States.
Sec. 1237. Report on Department of Defense's plans to reform the export control system.
Sec. 1238. Report on United States efforts to defend against threats posed by the anti-access and area-denial capabilities of certain nation-states.
Sec. 1239. Defense Science Board report on Department of Defense strategy to counter violent extremism outside the United States.
Sec. 1240. Report on merits of an Incidents at Sea agreement between the United States, Iran, and certain other countries.
Sec. 1241. Requirement to monitor and evaluate Department of Defense activities to counter violent extremism in Africa.
Sec. 1242. NATO Special Operations Headquarters.
Sec. 1243. National Military Strategy to Counter Iran and required briefings.

Subtitle A—Assistance and Training

SEC. 1201. EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as most recently amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2511), is further amended by striking ''$40,000,000'' and inserting ''$45,000,000''.

SEC. 1202. ADDITION OF ALLIED GOVERNMENT AGENCIES TO ENHANCED LOGISTICS INTEROPERABILITY AUTHORITY.

(a) ENHANCED INTEROPERABILITY AUTHORITY.—Subsection (a) of section 127d of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Subject to'';

(2) by inserting ''of the United States'' after ''armed forces'';

(3) by striking the second sentence; and

(4) by adding at the end the following new paragraphs:

''(2) In addition to any logistic support, supplies, and services provided under paragraph (1), the Secretary may provide logistic support, supplies, and services to allied forces solely for the purpose of enhancing the interoperability of the logistical support systems of military forces participating in combined operations with the United States in order to facilitate such operations. Such logistic support, supplies, and services may also be provided under this paragraph to a nonmilitary logistics, security, or similar agency of an allied government if such provision would directly benefit the armed forces of the United States.

''(3) Provision of support, supplies, and services pursuant to paragraph (1) or (2) may be made only with the concurrence of the Secretary of State.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking ''subsection (a)'' in paragraphs (1) and (2) and inserting ''subsection (a)(1)''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''Except as provided in paragraph (2), the'' and inserting ''The''; and

(ii) by striking ''this section'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), by striking ''In addition'' and all that follows through ''fiscal year,'' and inserting ''The value of the logistic support, supplies, and services provided under subsection (a)(2) in any fiscal year may not''.

SEC. 1203. 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.

(a) EXPANSION FOR TRAINING FOR DEPLOYMENT.—Paragraph (3) of section 1202(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as most recently amended by section 1252(a) of the National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–181; 122 Stat. 402), is further amended—

(1) by striking ''only in Iraq or Afghanistan, or in a peacekeeping operation described in paragraph (1), as applicable, and''; and

(2) by striking ''those forces.'' and inserting ''those forces and only—

''(A) in Iraq or Afghanistan;

''(B) in a peacekeeping operation described in paragraph (1); or

''(C) in connection with the training of those forces to be deployed to Iraq, Afghanistan, or a peacekeeping operation described in paragraph (1) for such deployment.''.

(b) NOTICE AND WAIT ON EXERCISE OF ADDITIONAL AUTHORITY.—Such section is further amended by adding at the end the following new paragraph:

''(5) NOTICE AND WAIT ON PROVISION OF EQUIPMENT FOR CERTAIN PURPOSES.—Equipment may not be provided under paragraph

(1) in connection with training as specified in paragraph (3)(C) until 15 days after the date on which the Secretary of Defense submits to the specified congressional committees written notice on the provision of such equipment for such purpose.''.

SEC. 1204. AUTHORITY TO PAY PERSONNEL EXPENSES IN CONNECTION WITH AFRICAN COOPERATION.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1050 the following new section:

''§ 1050a. African cooperation: payment of personnel expenses

''The Secretary of Defense or the Secretary of a military department may pay the travel, subsistence, and special compensation of officers and students of African countries and other expenses that the Secretary considers necessary for African cooperation.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1050 the following new item:

''1050a. African cooperation: payment of personnel expenses.''.

SEC. 1205. AUTHORITY TO BUILD THE CAPACITY OF YEMEN MINISTRY OF INTERIOR COUNTER TERRORISM FORCES.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance during fiscal year 2011 to enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

(b) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—Assistance under subsection (a) may include the provision of equipment, supplies, and training.

(2) REQUIRED ELEMENTS.—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in Yemen.

(3) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any provision of law.

(c) FUNDING.—Of the amount authorized to be appropriated by section 301 for operation and maintenance for fiscal year 2011, $75,000,000 may be utilized to provide assistance under subsection (a).

(d) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Not less than 15 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1206. AIR FORCE SCHOLARSHIPS FOR PARTNERSHIP FOR PEACE NATIONS TO PARTICIPATE IN THE EURO-NATO JOINT JET PILOT TRAINING PROGRAM.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Secretary of the Air Force may establish and maintain a demonstration scholarship program to allow personnel of the air forces of countries that are signatories of the Partnership for Peace Framework Document to receive undergraduate pilot training and necessary related training through the Euro-NATO Joint Jet Pilot Training (ENJJPT) program. The Secretary of the Air Force shall establish the program pursuant to regulations prescribed by the Secretary of Defense in consultation with the Secretary of State.

(b) TRANSPORTATION, SUPPLIES, AND ALLOWANCE.—Under such conditions as the Secretary of the Air Force may prescribe, the Secretary may provide to a person receiving a scholarship under the scholarship program—

(1) transportation incident to the training received under the ENJJPT program;

(2) supplies and equipment to be used during the training;

(3) flight clothing and other special clothing required for the training;

(4) billeting, food, and health services; and

(5) a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the Armed Forces of the United States under similar circumstances.

(c) RELATION TO EURO-NATO JOINT JET PILOT TRAINING PROGRAM.—

(1) ENJJPT STEERING COMMITTEE AUTHORITY.—Nothing in this section shall be construed or interpreted to supersede the authority of the ENJJPT Steering Committee under the ENJJPT Memorandum of Understanding. Pursuant to the ENJJPT Memorandum of Understanding, the ENJJPT Steering Committee may resolve to forbid any airman or airmen from a Partnership for Peace nation to participate in the Euro-NATO Joint Jet Pilot Training program under the authority of a scholarship under this section.

(2) NO REPRESENTATION.—Countries whose air force personnel receive scholarships under the scholarship program shall not have privilege of ENJJPT Steering Committee representation.

(d) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of the Air Force may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or any other provision of law.

(e) COST-SHARING.—For purposes of ENJJPT cost-sharing, personnel of an air force of a foreign country who receive a scholarship under the scholarship program may be counted as United States pilots.

(f) PROGRESS REPORT.—Not later than February 1, 2012, the Secretary of the Air Force shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the status of the demonstration program, including the opinion of the Secretary and NATO allies on the benefits of the program and whether or not to permanently authorize the program or extend the program beyond fiscal year 2012. The report shall specify the following:

(1) The countries participating in the scholarship program.

(2) The total number of foreign pilots who received scholarships under the scholarship program.

(3) The amount expended on scholarships under the scholarship program.

(4) The source of funding for scholarships under the scholarship program.

(g) DURATION.—No scholarship may be awarded under the scholarship program after September 30, 2012.

(h) FUNDING SOURCE.—Amounts to award scholarships under the scholarship program shall be derived from amounts authorized to be appropriated for operation and maintenance for the Air Force.

SEC. 1207. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—

(1) IN GENERAL.—Subsection (c)(5) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as added by section 1206(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2514), is further amended—

(A) by striking ''and not more than'' and inserting ''not more than''; and

(B) by inserting after ''fiscal year 2011'' the following: '', and not more than $100,000,000 may be used during fiscal year 2012''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to programs under subsection (a) of such section that begin on or after that date.

(b) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as most recently amended by section 1206(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by—

(1) by striking ''September 30, 2011'' and inserting ''September 30, 2012''; and

(2) by striking ''fiscal years 2006 through 2011'' and inserting ''fiscal years 2006 through 2012''.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1212. ONE-YEAR EXTENSION AND MODIFICATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) ONE-YEAR EXTENSION OF CERP AUTHORITY.—Subsection (a) of 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), is further amended—

(1) in the subsection heading, by striking ''FISCAL YEAR 2010'' and inserting ''FISCAL YEAR 2011'';

(2) by striking ''fiscal year 2010'' and inserting ''fiscal year 2011''; and

(3) by striking ''operation and maintenance'' and all that follows and inserting ''operation and maintenance—

''(1) not to exceed $100,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Iraq; and

''(2) not to exceed $400,000,000 may be used by the Secretary of Defense in such fiscal year to provide funds for the Commanders' Emergency Response Program in Afghanistan.''.

(b) QUARTERLY REPORTS.—Subsection (a) of such section, as so amended, is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) FORM OF REPORTS.—Each report required under paragraph (1) shall be submitted, at a minimum, in a searchable electronic format that enables the congressional defense committees to sort the report by amount expended, location of each project, type of project, or any other field of data that is included in the report.''.

(c) RESTRICTION ON AMOUNT OF PAYMENTS; NOTIFICATION.—Such section, as so amended, is further amended—

(1) by redesignating subsection (g) as subsection (i); and

(2) by inserting after subsection (f) the following new subsections:

''(g) RESTRICTION ON AMOUNT OF PAYMENTS.—Funds made available under this section for the Commanders' Emergency Response Program may not be obligated or expended to carry out any project if the total amount of funds made available for the purpose of carrying out the project, including any ancillary or related elements of the project, exceeds $20,000,000.

''(h) NOTIFICATION.—Not less than 15 days before obligating or expending funds made available under this section for the Commanders' Emergency Response Program for a project in Afghanistan with a total anticipated cost of $5,000,000 or more, the Secretary of Defense shall submit to the congressional defense committees a written notice containing the following information:

''(1) The location, nature, and purpose of the proposed project, including how the project is intended to advance the military campaign plan for Afghanistan.

''(2) The budget and implementation timeline for the proposed project, including any other funding under the Commanders' Emergency Response Program that has been or is anticipated to be contributed to the completion of the project.

''(3) A plan for the sustainment of the proposed project, including any agreement with either the Government of Afghanistan, a department or agency of the United States Government other than the Department of Defense, or a third party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project''.

(d) DEFINITION.—Subsection (i) of such section, as redesignated by subsection (c)(1) of this section, is amended by striking ''means the program'' and all that follows and inserting ''means the program that—

''(1) authorizes United States military commanders to carry out small-scale projects designed to meet urgent humanitarian relief requirements or urgent reconstruction requirements within their areas of responsibility; and

''(2) provides an immediate and direct benefit to the people of Iraq or Afghanistan.''.

SEC. 1213. EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of 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; 123 Stat. 2519), is further amended by striking ''section 1509(5) of the National Defense Authorization Act for Fiscal Year 2010'' and inserting ''section 1510 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011''.

(b) LIMITATION ON AMOUNT.—Subsection (d)(1) of such section, as so amended, is further amended in the second sentence by inserting ''or 2011'' after ''fiscal year 2010''.

(c) EXCEPTION FROM NOTICE TO CONGRESS REQUIREMENTS.—Subsection (e) of such section, as so amended, is further amended—

(1) by striking ''(e) NOTICE TO CONGRESS.—The Secretary of Defense'' and inserting the following:

''(e) NOTICE TO CONGRESS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense''; and

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

''(2) EXCEPTION.—The requirement to provide notice under paragraph (1) shall not apply with respect to a reimbursement for access based on an international agreement.''.

(d) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 393), as most recently amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2010, is further amended by striking ''September 30, 2011'' and inserting ''September 30, 2012''.

SEC. 1214. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) EXTENSION OF AUTHORITY.—Subsection (h) of section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532) is amended by striking ''September 30, 2010'' and inserting ''December 31, 2011''.

(b) QUARTERLY REPORTS.—Subsection (f)(1) of such section is amended by striking ''during fiscal year 2010'' and inserting ''through March 31, 2012''.

SEC. 1215. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 1216. AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may utilize not more than $50,000,000 from funds made available to the Department of Defense for operation and maintenance for fiscal year 2011 to support the reintegration into Afghan society of those individuals who pledge—

(1) to cease all support for the insurgency in Afghanistan;

(2) to live in accordance with the Constitution of Afghanistan;

(3) to cease violence against the Government of Afghanistan and its international partners; and

(4) that they do not have material ties to al Qaeda or affiliated transnational terrorist organizations.

(b) SUBMISSION OF GUIDANCE.—

(1) INITIAL SUBMISSION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of the guidance issued by the Secretary or the Secretary's designee concerning the allocation of funds utilizing the authority of subsection (a). Such guidance shall include—

(A) mechanisms for coordination with the Government of Afghanistan and other United States Government departments and agencies as appropriate; and

(B) mechanisms to track rates of recidivism among individuals described in subsection (a).

(2) MODIFICATIONS.—If the guidance in effect for the purpose stated in paragraph (1) is modified, the Secretary of Defense shall submit to the congressional defense committees a copy of the modification not later than 15 days after the date on which such modification is made.

(c) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on activities carried out utilizing the authority of subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee on Foreign Affairs of the House of Representative and the Committee on Foreign Relations of the Senate.

(e) EXPIRATION.—The authority to utilize funds under subsection (a) shall expire at the close of December 31, 2011.

SEC. 1217. AUTHORITY TO ESTABLISH A PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

(a) AUTHORITY.—The Secretary of Defense and the Secretary of State are authorized to establish a program to develop and carry out infrastructure projects in Afghanistan in accordance with the requirements of this section.

(b) FORMULATION AND EXECUTION OF PROGRAM.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Defense shall jointly develop any project under the program authorized under subsection (a). Except as provided in paragraph (2), the Secretary of State, in coordination with the Secretary of Defense, shall implement any project under the program authorized under subsection (a).

(2) EXCEPTION.—The Secretary of Defense shall implement a project under the program authorized under subsection (a) if the Secretary of Defense and the Secretary of State jointly determine that the Secretary of Defense should implement the project.

(c) TYPES OF PROJECTS.—Infrastructure projects under the program authorized under subsection (a) may include—

(1) water, power, and transportation projects; and

(2) other projects in support of the counter-insurgency strategy in Afghanistan.

(d) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to establish the program and develop and carry out infrastructure projects under subsection (a) is in addition to any other authority to provide assistance to foreign countries.

(e) APPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The administrative provisions of chapter 2 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 et seq.) shall apply to funds made available to the Secretary of State for purposes of carrying out infrastructure projects under the program authorized under subsection (a) to the same extent and in the same manner as such administrative provisions apply to funds made available to carry out part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(2) GIFTS, ETC.—The Secretary of Defense and the Secretary of State may accept and use in furtherance of the purposes of this section, money, funds, property, and services of any kind made available by gift, devise, bequest, grant, or otherwise for such purposes.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary of Defense may use up to $400,000,000 of funds made

available to the Department of Defense for operation and maintenance for fiscal year 2011 to carry out the program authorized under subsection (a).

(2) AVAILABILITY.—Funds made available by paragraph (1) are authorized to remain available until September 30, 2012.

(g) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense shall notify the appropriate congressional committees not less than 30 days before obligating or expending funds to carry out a project or transferring funds to the Secretary of State for the purpose of implementing a project under the program authorized under subsection (a). Such notification shall be in writing and contain a description of the details of the proposed project, including—

(1) a plan for the sustainment of the project; and

(2) a description of how the project supports the counterinsurgency strategy in Afghanistan.

(h) RETURN OF UNEXPENDED FUNDS.—

(1) IN GENERAL.—Any unexpended funds transferred to the Secretary of State for the purpose of implementing a project under the program authorized under subsection (a) shall be returned to the Secretary of Defense if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason or that the project no longer supports the counterinsurgency strategy in Afghanistan.

(2) AVAILABILITY.—Any funds returned to the Secretary of Defense under this subsection shall be available for use under this section and shall be treated in the same manner as funds not transferred to the Secretary of State.

(i) REPORTS.—

(1) REPORT REQUIRED.—Not later than 30 days after the end of each fiscal year in which funds are obligated, expended, or transferred under the program authorized under subsection (a), the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report regarding implementation of the program during such fiscal year.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The allocation and use of funds under the program during the fiscal year.

(B) A description of each project for which funds were expended or transferred during the fiscal year.

(j) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1218. EXTENSION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING OPERATIONS IN IRAQ AND AFGHANISTAN.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394) is amended by striking ''fiscal year 2008'' each place it appears and inserting ''fiscal year 2011''.

SEC. 1219. RECOMMENDATIONS ON OVERSIGHT OF CONTRACTORS ENGAGED IN ACTIVITIES RELATING TO AFGHANISTAN.

(a) RECOMMENDATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall, in consultation with the Inspector General of the Department of Defense, the Inspector General of the United States Agency for International Development, and the Inspector General of the Department of State—

(1) issue recommendations on measures to increase oversight of contractors engaged in activities relating to Afghanistan;

(2) report on the status of efforts of the Department of Defense, the United States Agency for International Development, and the Department of State to implement existing recommendations regarding oversight of such contractors; and

(3) report on the extent to which military and security contractors or subcontractors engaged in activities relating to Afghanistan have been responsible for the deaths of Afghan civilians.

(b) ELEMENTS OF RECOMMENDATIONS.—The recommendations issued under subsection (a)(1) shall include recommendations for reducing the reliance of the United States on—

(1) military and security contractors or subcontractors engaged in activities relating to Afghanistan that have been responsible for the deaths of Afghan civilians; and

(2) Afghan militias or other armed groups that are not part of the Afghan National Security Forces.

SEC. 1220. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.

(a) EXTENSION.—Subsection (h) of section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521) is amended by striking ''September 30, 2010'' both places it appears and inserting ''September 30, 2011''.

(b) REQUIRED ELEMENTS OF ASSISTANCE.—Subsection (b) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) REQUIRED ELEMENTS OF ASSISTANCE.—Assistance provided to the security forces of Pakistan under this section in a fiscal year after fiscal year 2010 shall be provided in a manner that promotes—

''(A) observance of and respect for human rights and fundamental freedoms; and

''(B) respect for legitimate civilian authority within Pakistan.''.

Subtitle C—Reports and Other Matters

SEC. 1231. ONE-YEAR EXTENSION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

Section 1230(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as amended by section 1236 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–81; 123 Stat. 2535), is further amended by striking ''2011'' and inserting ''2012''.

SEC. 1232. TWO-YEAR EXTENSION OF UNITED STATES PLAN FOR SUSTAINING THE AFGHANISTAN NATIONAL SECURITY FORCES.

Section 1231(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 390) is amended by striking ''2010'' and inserting ''2012''.

SEC. 1233. MODIFICATION OF REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Subsection (a) of section 1227 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525; 50 U.S.C. 1541 note) is amended—

(1) by striking ''December 31, 2009'' and inserting ''December 31, 2010''; and

(2) by striking ''90 days thereafter'' and inserting ''180 days thereafter''.

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (5), by striking ''Multi-National Force–Iraq'' each place it occurs and inserting ''United States Forces–Iraq''; and

(2) by adding at the end the following:

''(6) An assessment of progress to transfer responsibility of programs, projects, and activities carried out in Iraq by the Department of Defense to other United States Government departments and agencies, international or nongovernmental entities, or the Government of Iraq. The assessment should include a description of the numbers and categories of programs, projects, and activities for which such other entities have taken responsibility or which have been discontinued by the Department of Defense. The assessment should also include a discussion of any difficulties or barriers in transitioning such programs, projects, and activities and what, if any, solutions have been developed to address such difficulties or barriers.

''(7) An assessment of progress toward the goal of building the minimum essential capabilities of the Ministry of Defense and the Ministry of the Interior of Iraq, including a description of—

''(A) such capabilities both extant and remaining to be developed;

''(B) major equipment necessary to achieve such capabilities;

''(C) the level and type of support provided by the United States to address shortfalls in such capabilities; and

''(D) the level of commitment, both financial and political, made by the Government of Iraq to develop such capabilities, including a discussion of resources used by the Government of Iraq to develop capabilities that the Secretary determines are not minimum essential capabilities for purposes of this paragraph.

''(8) A listing and assessment of the anticipated level and type of support to be provided by United States special operations forces to the Government of Iraq and Iraqi special operations forces during the redeployment of United States conventional forces from Iraq. The assessment should include a listing of anticipated critical support from general purpose forces required by United States special operations forces and Iraqi special operations forces. The assessment should also include combat support, including rotary aircraft and intelligence, surveillance, and reconnaissance assets, combat service support, and contractor support needed through December 31, 2011.''.

(c) SECRETARY OF STATE COMMENTS.—Such section is further amended by striking subsection (c) and inserting the following:

''(c) SECRETARY OF STATE COMMENTS.—Prior to submitting the report required under subsection (a), the Secretary of Defense shall provide a copy of the report to the Secretary of State for review. At the request of the Secretary of State, the Secretary of Defense shall include an appendix to the report which contains any comments or additional information that the Secretary of State requests.''.

(d) FORM.—Subsection (d) of such section is amended by striking '', whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense,''.

(e) TERMINATION.—Such section is further amended by adding at the end the following:

''(f) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on September 30, 2012.''.

(f) REPEAL OF OTHER REPORTING REQUIREMENTS.—The following provisions of law are hereby repealed:

(1) Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) (as amended by section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 373)).

(2) Section 1225 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 375).

SEC. 1234. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR COALITION OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the coalition support authorities of the Department of Defense during Operation Iraqi Freedom and Operation Enduring Freedom.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the purpose and use of each coalition support authority of the Department of Defense.

(2) For the period of Operation Enduring Freedom ending on September 30, 2010, a summary of the amount of training, equipment, services, or other assistance provided or loaned under any coalition support authority of the Department of Defense set forth, for each such authority, by amount provided or loaned during each fiscal year of such period for each recipient country.

(3) For the period of Operation Iraqi Freedom ending on September 30, 2010, a summary of the amount of training, equipment, services, or other assistance provided or loaned under any coalition support authority of the Department of Defense set forth, for each such authority, by amount provided or loaned during each fiscal year of such period for each recipient country.

(4) An assessment of the effectiveness of each coalition support authority of the Department of Defense in meeting its intended purpose.

(5) For each recipient country of coalition support under a coalition support authority of the Department of Defense—

(A) a description of the contribution of such country to coalition operations in Operation Enduring Freedom or Operating Iraqi Freedom; and

(B) an assessment of the extent to which coalition support provided by the United States enhanced the ability of such country to participate in coalition operations in Operation Enduring Freedom or Operating Iraqi Freedom.

(6) A description of the actions taken by the Department Defense to eliminate duplication and overlap in coalition support provided under the coalition support authorities of the Department of Defense.

(7) An assessment by the Secretary of Defense whether there is an ongoing need for each coalition support authority of the Department of Defense, and an estimate of the anticipated future demand for coalition support under such coalition support authorities.

(c) COALITION SUPPORT AUTHORITIES OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''coalition support authorities of the Department of Defense'' means the following:

(1) Coalition Support Funds, including the authority to provide specialized training and loan specialized equipment under the Coalition Support Fund (commonly referred to as the ''Coalition Readiness Support Program'').

(2) Lift and sustain authority under appropriations Acts or under section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394).

(3) Global lift and sustain authority under section 127c of title 10, United States Code.

(4) The authority to provide logistic support, supplies, and services to allied forces participating in combined operations under section 127d of title 10, United States Code.

(5) The temporary authority to lend significant military equipment under acquisition and cross-servicing agreements pursuant to section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364).

(6) The authority under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) to provide assistance to build the capacity of foreign nations to support military or stability operations in which the United States Armed Forces are a participant.

(7) Any other authority that the Secretary of Defense designates as a coalition support authority of the Department of Defense for purposes of the report required by subsection (a).

SEC. 1235. REPORTS ON POLICE TRAINING PROGRAMS.

(a) DOD INSPECTOR GENERAL REPORT ON AFGHAN NATIONAL POLICE TRAINING PROGRAM.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall, in consultation with the Inspector General of the Department of State, submit to the appropriate committees of Congress a report on the Afghan National Police training program.

(2) REVIEW.—In preparing the report required by paragraph (1), the Inspector General of the Department of Defense shall conduct a review of the Afghan National Police training program that focuses on developments since the Inspector General of the Department of Defense and the Inspector General of the Department of State released the report entitled ''Department of Defense Obligations and Expenditures of Funds Provided to the Department of State for the Training and Mentoring of the Afghan National Police'' (DODIG Report No. D–2010–042, DOSIG Report No. MERO–A–10–06, February 9, 2010).

(3) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) A description of the components, planning, and scope of the Afghan National Police training program since the United States assumed control of the program in 2003.

(B) A description of the cost to the United States of the Afghan National Police training program, including the source and amount of funding, and a description of the allocation of responsibility between the Department of Defense and the Department of State for funding the program.

(C) A description of the allocation of responsibility between the Department of Defense and the Department of State for the oversight and execution of the program.

(D) A description of the personnel and staffing requirements for overseeing and executing the program, both in the United States and in theater, including United States civilian government and military personnel, contractor personnel, and nongovernmental personnel, and non-United States civilian and military personnel, contractor personnel, and nongovernmental personnel.

(E) An assessment of the cost, performance metrics, and planning associated with the transfer of administration of the contract for the Afghan National Police training program from the Department of State to the Department of Defense.

(b) GAO REPORT ON USE OF GOVERNMENT PERSONNEL RATHER THAN CONTRACTORS FOR TRAINING AFGHAN NATIONAL POLICE.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the use of United States Government personnel rather than contractors for the training of the Afghan National Police.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the roles and responsibilities of contractors and United States Government personnel in the Afghan National Police training program and a description of how the division of roles and responsibilities between such contractors and personnel has been determined.

(B) An assessment of the relative advantages and disadvantages of using contractors or United States Government personnel in the Afghan National Police training program, including an assessment of—

(i) the shortfalls and inefficiencies, if any, in contractor performance in the program; and

(ii) options for leveraging United States Government resources and capacity to address the shortfalls and inefficiencies described in clause (i) and to better address current and future needs under the program.

(C) An assessment of the factors, such as oversight, cost considerations, performance, policy, and other factors, that would be impacted by transferring responsibilities for the performance of the Afghan National Police training program from contractors to United States Government personnel.

(D) A review of the lessons learned from the execution and oversight of the police training program in Iraq, and any other relevant police training programs led by the Department of Defense, regarding the relative advantages and disadvantages of using United States Government personnel or contractors to carry out police training programs for foreign nations.

(c) REPORT ON GOVERNMENT POLICE TRAINING AND EQUIPPING PROGRAMS.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report on United States Government police training and equipping programs outside the United States.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A list of all United States Government departments and agencies involved in implementing police training and equipping programs.

(B) A description of the scope, size, and components of all police training and equipping programs for fiscal years 2010 and 2011, to include for each such program—

(i) the name of each country that received assistance under the program;

(ii) the types of recipient nation units receiving such assistance, including national police, gendarmerie, counternarcotics police, counterterrorism police, Formed Police Units, border security, and customs;

(iii) the purpose and objectives of the program;

(iv) the funding and personnel levels for the program in each such fiscal year;

(v) the authority under which the program is conducted;

(vi) the name of the United States Government department or agency with lead responsibility for the program and the mechanisms for oversight of the program;

(vii) the extent to which the program is implemented by contractors or United States Government personnel; and

(viii) the metrics for measuring the results of the program.

(C) An assessment of the requirements for police training and equipping programs, and what changes, if any, are required to improve the capacity of the United States Government to meet such requirements.

(D) An evaluation of the appropriate role of United States Government departments and agencies in coordinating on and carrying out police training and equipping programs.

(E) An evaluation of the appropriate role of contractors in carrying out police training and equipping programs, and what modifications, if any, are needed to improve oversight of such contractors.

(F) Recommendations for legislative modifications, if any, to existing authorities relating to police training and equipping programs.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services, Foreign Relations, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, Oversight and Government Reform, and Appropriations of the House of Representatives.

SEC. 1236. REPORT ON CERTAIN IRAQIS AFFILIATED WITH THE UNITED STATES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Attorney General, the Secretary of Homeland Security, the Administrator of the United States Agency for International Development, and the heads of other appropriate Federal agencies (as determined by the Secretary of Defense), shall submit to the Congress a report containing the information described in subsection (b). In preparing such report, the Secretary of Defense shall use available information from organizations and entities closely associated with the United States mission in Iraq that have received United States Government funding through an official and documented contract, award, grant, or cooperative agreement.

(b) INFORMATION.—The information described in this subsection is the following:

(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 through an official and documented contract, award, grant, or cooperative agreement.

(2) The number of Iraqis who have applied—

(A) for resettlement in the United States as a refugee under section 1243 of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 395 et seq.);

(B) to enter the United States as a special immigrant under section 1244 of such Act; or

(C) to enter the United States as a special immigrant under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

(3) The status of each application described in paragraph (2).

(4) The estimated number of individuals described in paragraph (1) who have been injured or killed in Iraq.

(c) EXPEDITED PROCESSING.—The Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security shall develop a plan using the report submitted under subsection (a) to expedite the processing of the applications described in subsection (b)(2) in the case of Iraqis at risk as the United States withdraws from Iraq.

SEC. 1237. REPORT ON DEPARTMENT OF DEFENSE'S PLANS TO REFORM THE EXPORT CONTROL SYSTEM.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the Department of Defense's plans to implement the reforms to the United States export control system recommended by the interagency task force established at the direction of the President on August 13, 2009.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include an assessment of the extent to which the plans to reform the export control system will—

(1) impact the Defense Technology Security Administration of the Department of Defense;

(2) affect the role of the Department of Defense with respect to export control policy; and

(3) ensure greater protection and monitoring of militarily critical technologies.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate.

SEC. 1238. REPORT ON UNITED STATES EFFORTS TO DEFEND AGAINST THREATS POSED BY THE ANTI-ACCESS AND AREA-DENIAL CAPABILITIES OF CERTAIN NATION-STATES.

(a) FINDING.—Congress finds that the 2010 report on the Department of Defense Quadrennial Defense Review concludes that ''[a]nti-access strategies seek to deny outside countries the ability to project power into a region, thereby allowing aggression or other destabilizing actions to be conducted by the anti-access power. Without dominant capabilities to project power, the integrity of United States alliances and security partnerships could be called into question, reducing United States security and influence and increasing the possibility of conflict''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, in light of the finding in subsection (a), the Secretary of Defense should ensure that the United States has the appropriate authorities, capabilities, and force structure to defend against any potential future threats posed by the anti-access and area-denial capabilities of potentially hostile foreign countries.

(c) REPORT.—Not later than April 1, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on United States efforts to defend against any potential future threats posed by the anti-access and area-denial capabilities of potentially hostile nation-states.

(d) ELEMENTS.—The report required under subsection (c) shall include the following:

(1) An assessment of any potential future threats posed by the anti-access and area-denial capabilities of potentially hostile foreign countries, including an identification of the foreign countries with such capabilities, the nature of such capabilities, and the possible advances in such capabilities over the next 10 years.

(2) A description of any efforts by the Department of Defense to address the potential future threats posed by the anti-access and area-denial capabilities of potentially hostile foreign countries.

(3) A description of the authorities, capabilities, and force structure that the United States may require over the next 10 years to address the threats posed by the anti-access and area-denial capabilities of potentially hostile foreign countries.

(e) FORM.—The report required under subsection (c) shall be submitted in unclassified form, but may contain a classified annex if necessary.

(f) DEFINITIONS.—In this section—

(1) the term ''anti-access'', with respect to capabilities, means any action that has the effect of slowing the deployment of friendly forces into a theater, preventing such forces from operating from certain locations within that theater, or causing such forces to operate from distances farther from the locus of conflict than such forces would normally prefer; and

(2) the term ''area-denial'', with respect to capabilities, means operations aimed to prevent freedom of action of friendly forces in the more narrow confines of the area under a potentially hostile nation-state's direct control, including actions by an adversary in the air, on land, and on and under the sea to contest and prevent joint operations within a defended battlespace.

SEC. 1239. DEFENSE SCIENCE BOARD REPORT ON DEPARTMENT OF DEFENSE STRATEGY TO COUNTER VIOLENT EXTREMISM OUTSIDE THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Defense Science Board shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the strategy of the Department of Defense to counter violent extremism outside the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A review of the current strategy, research activities, resource allocations, and organizational structure of the Department of Defense for countering violent extremism outside the United States.

(2) A review of interagency coordination and decision-making processes for executing and overseeing strategies and programs for countering violent extremism outside the United States.

(3) An analysis of alternatives and options available to the Department of Defense to counter violent extremism outside the United States.

(4) An analysis of legal, policy, and strategy issues involving efforts to counter violent extremism outside the United States as such efforts potentially affect domestic efforts to interrupt radicalization efforts within the United States.

(5) An analysis of the current information campaign of the Department of Defense against violent extremists outside the United States.

(6) Such recommendations for further action to address the matters covered by the report as the Defense Science Board considers appropriate.

(7) Such other matters as the Defense Science Board determines relevant.

SEC. 1240. REPORT ON MERITS OF AN INCIDENTS AT SEA AGREEMENT BETWEEN THE UNITED STATES, IRAN, AND CERTAIN OTHER COUNTRIES.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report assessing the relative merits of a multilateral or bilateral Incidents at Sea military-to-military agreement between the United States, the Government of Iran, and other countries operating in the Persian Gulf aimed at preventing accidental naval conflict in the Persian Gulf and the Strait of Hormuz.

(b) MATTERS TO BE INCLUDED.—Such assessment should consider and evaluate the current maritime security situation in the Persian Gulf and the effect that such an agreement might have on military and other maritime activities in the region, as well as

other United States regional strategic interests.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1241. REQUIREMENT TO MONITOR AND EVALUATE DEPARTMENT OF DEFENSE ACTIVITIES TO COUNTER VIOLENT EXTREMISM IN AFRICA.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall monitor and evaluate the impact of United States Africa Command (USAFRICOM) Combined Joint Task Force-Horn of Africa's (CJTF-HOA) activities to counter violent extremism in Africa, including civil affairs, psychological operations, humanitarian assistance, and operations to strengthen the capacity of partner nations.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the following:

(1) An evaluation of the impact of CJTF-HOA's activities described in subsection (a) to advance United States security objectives in the Horn of Africa, including the extent to which CJTF-HOA's activities—

(A) disrupt or deny terrorist networks;

(B) combat violent extremist ideology;

(C) are aligned with USAFRICOM's mission; and

(D) complement programs conducted by the United States Agency for International Development.

(2) USAFRICOM's efforts to monitor and evaluate the impact of CJTF-HOA's activities described in subsection (a), including—

(A) the means by which CJTF-HOA follows up on such activities to evaluate the effectiveness of such activities;

(B) USAFRICOM's specific assessments of CJTF-HOA's activities; and

(C) a description of plans by the Secretary of Defense to make permanent CJTF-HOA's presence in Djibouti.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1242. NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) is amended—

(1) in subsection (a)—

(A) by striking ''fiscal year 2010'' and inserting ''fiscal year 2011'';

(B) by striking ''pursuant to section 301(1)''; and

(C) by striking ''$30,000,000'' and inserting ''$50,000,000'';

(2) in subsection (b)—

(A) by striking ''NATO Special Operations Coordination Center'' and inserting ''NATO Special Operations Headquarters''; and

(B) by striking ''NSCC'' and inserting ''NSHQ''; and

(3) in subsection (c), by striking ''NSCC'' each place it appears and inserting ''NSHQ''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**NATO SPECIAL OPERATIONS COORDINATION CENTER**'' and inserting ''**NATO SPECIAL OPERATIONS HEADQUARTERS**''.

SEC. 1243. NATIONAL MILITARY STRATEGY TO COUNTER IRAN AND REQUIRED BRIEFINGS.

(a) NATIONAL MILITARY STRATEGY REQUIRED.—The Secretary of Defense shall develop a strategy, to be known as the ''National Military Strategy to Counter Iran''. The strategy should—

(1) provide strategic guidance for activities of the Department of Defense that support the objective of countering threats posed by Iran;

(2) undertake a review of the intelligence in the possession of the Department of Defense to develop a list of gaps in intelligence that limit the ability of the Department of Defense to counter threats emanating from Iran that the Secretary considers to be critical;

(3) undertake a review of the ability of the Department of Defense to counter threats to the United States, its forces, allies, and interests from Iran, including—

(A) contributions of the Department of Defense to the efforts of other agencies of the United States Government to counter or address the threat emanating from Iran; and

(B) any gaps in the capabilities and authorities of the Department.

(b) BRIEFINGS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees in classified session regarding any resources, capabilities, or changes to current law the Secretary believes are necessary to address the gaps identified in the strategy required in subsection (a).

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.
Sec. 1304. Plan for nonproliferation, proliferation prevention, and threat reduction activities with the People's Republic of China.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2011 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2011 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2011, 2012, and 2013.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $522,512,000 authorized to be appropriated to the Department of Defense for fiscal year 2011 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,732,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $9,614,000.

(4) For nuclear weapons transportation security in Russia, $45,000,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $79,821,000.

(6) For biological threat reduction in the former Soviet Union, $209,034,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For Global Nuclear Lockdown, $74,471,000.

(10) For activities designated as Other Assessments/Administrative Costs, $23,040,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2011 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2011 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2011 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the fiscal year 2011 Cooperative Threat Reduction funds may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

SEC. 1304. PLAN FOR NONPROLIFERATION, PROLIFERATION PREVENTION, AND THREAT REDUCTION ACTIVITIES WITH THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than April 1, 2011, the Secretary of Defense and the Secretary of Energy shall jointly submit to the congressional defense committees a plan to carry out activities of the Department of Defense Cooperative Threat Reduction Program and the Department of Energy Defense Nuclear Nonproliferation program relating to nonproliferation, proliferation prevention, and threat reduction with the Government of the People's Republic of China during fiscal years 2011 through 2016.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of the activities to be carried out under the plan.

(2) A description of milestones and goals for such activities.

(3) An estimate of the annual cost of such activities.

(4) An estimate of the amount of the total cost of such activities to be provided by the Government of the People's Republic of China.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. Study on working capital fund cash balances.
Sec. 1403. Modification of certain working capital fund requirements.
Sec. 1404. Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund.
Sec. 1405. National Defense Sealift Fund.
Sec. 1406. Chemical Agents and Munitions Destruction, Defense.
Sec. 1407. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1408. Defense Inspector General.
Sec. 1409. Defense Health Program.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

Subtitle C—Chemical Demilitarization Matters

Sec. 1421. Consolidation and reorganization of statutory authority for destruction of United States stockpile of lethal chemical agents and munitions.

Subtitle D—Other Matters

Sec. 1431. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1432. Authority for transfer of funds to Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $160,965,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,273,571,000.

SEC. 1402. STUDY ON WORKING CAPITAL FUND CASH BALANCES.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a federally funded research and development center with appropriate expertise in revolving fund financial management to carry out 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.

(b) CONTENTS OF STUDY.—In carrying out a study pursuant to a contract entered into under subsection (a), the federally funded research and development center shall—

(1) qualitatively analyze the operational requirements and inherent risks associated with maintaining a specific level of cash within each revolving fund of the Department;

(2) for each such revolving fund, take into consideration any effects on appropriation accounts that have occurred due to changes made in the rates charged by the fund during a fiscal year;

(3) take into consideration direct input from the Secretary of Defense and officials of each of the military departments with leadership responsibility for financial management;

(4) examine the guidance provided and regulations prescribed by the Secretary of Defense and the Secretary of each of the military departments, as in effect on the date of the enactment of this Act, including such guidance with respect to programming and budgeting and the annual budget displays provided to Congress;

(5) examine the effects on appropriations accounts that have occurred due to congressional adjustments relating to excess cash balances in revolving funds;

(6) identify best business practices from the private sector relating to sufficient cash balance reserves;

(7) examine any relevant applicable laws, including the relevant body of work performed by the Government Accountability Office; and

(8) address—

(A) instances where the fiscal policy of the Department of Defense directly follows the law, as in effect on the date of the enactment of this Act, and instances where such policy is more restrictive with respect to the fiscal management of revolving funds than such law requires;

(B) instances where current Department fiscal policy restricts the capability of a revolving fund to achieve the most economical and efficient organization and operation of activities;

(C) fiscal policy adjustments required to comply with recommendations provided in the study, including proposed adjustments to—

(i) the Department of Defense Financial Management Regulation;

(ii) published service regulations and instructions; and

(iii) major command fiscal guidance; and

(D) such other matters as determined relevant by the center carrying out the study.

(c) AVAILABILITY OF INFORMATION.—The Secretary of Defense and the Secretary of each of the military departments shall make available to a federally funded research and development center carrying out a study pursuant to a contract entered into under subsection (a) all necessary and relevant information to allow the center to conduct the study in a quantitative and analytical manner.

(d) REPORT.—Any contract entered into under subsection (a) shall provide that not later than 9 months after the date on which the Secretary of Defense enters into the contract, the chief executive officer of the entity that carries out the study pursuant to the contract shall submit to the Committees on Armed Services of the Senate and House of Representatives and the Secretary of Defense a final report on the study. The report shall include each of the following:

(1) A description of the revolving fund environment, as of the date of the conclusion of the study, and the anticipated future environment, together with the quantitative data used in conducting the assessment of such environments under the study.

(2) Recommended fiscal policy adjustments to support the initiatives identified in the study, including adjustments to—

(A) the Department of Defense Financial Management Regulation;

(B) published service regulations and instructions; and

(C) major command fiscal guidance.

(3) Recommendations with respect to any changes to any applicable law that would be appropriate to support the initiatives identified in the study.

(e) SUBMITTAL OF COMMENTS.—Not later than 90 days after the date of the submittal of the report under subsection (d), the Secretary of Defense and the Secretaries of each of the military departments shall submit to the Committees on Armed Services of the Senate and House of Representatives comments on the findings and recommendations contained in the report.

SEC. 1403. MODIFICATION OF CERTAIN WORKING CAPITAL FUND REQUIREMENTS.

Section 2208 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by inserting before the semicolon the following: '', including the cost of the procurement and qualification of technology-enhanced maintenance capabilities that improve either reliability, maintainability, sustainability, or supportability and have, at a minimum, been demonstrated to be functional in an actual system application or operational environment''; and

(2) in subsection (k)(2), by striking ''$100,000'' and inserting ''$250,000''.

SEC. 1404. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $53,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

SEC. 1405. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2011 for the National Defense Sealift Fund in the amount of $934,866,000.

SEC. 1406. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,467,307,000, of which—

(1) $1,067,364,000 is for Operation and Maintenance;

(2) $392,811,000 is for Research, Development, Test, and Evaluation; and

(3) $7,132,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), as amended by section 1421 of this Act; and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1407. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,160,851,000.

SEC. 1408. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $317,154,000.

SEC. 1409. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $30,959,611,000.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2011, the National Defense Stockpile Manager may obligate up to $41,181,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. REVISION TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM THE NATIONAL DEFENSE STOCKPILE.

Section 3402(b)(5) of the National Defense Authorization Act for Fiscal Year 2000 (50 U.S.C. 98d note), as most recently amended by section 1412(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 418), is amended by striking ''$710,000,000'' and inserting ''$730,000,000''.

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. CONSOLIDATION AND REORGANIZATION OF STATUTORY AUTHORITY FOR DESTRUCTION OF UNITED STATES STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) RESTATEMENT OF STATUTORY AUTHORITY WITH CONSOLIDATION AND REORGANIZATION.—Section 1412 of the National Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended to read as follows:

''SEC. 1412. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

''(a) IN GENERAL.—The Secretary of Defense shall, in accordance with the provisions of this section, carry out the destruction of the United States' stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

''(b) DATE FOR COMPLETION.—(1) The destruction of such stockpile shall be completed by the stockpile elimination deadline.

''(2) If the Secretary of Defense determines at any time that there will be a delay in meeting the requirement in paragraph (1) for the completion of the destruction of chemical weapons by the stockpile elimination deadline, the Secretary shall immediately notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of that projected delay.

''(3) For purposes of this section, the term 'stockpile elimination deadline' means the deadline established by the Chemical Weapons Convention, but not later than December 31, 2017.

''(c) INITIATION OF DEMILITARIZATION OPERATIONS.—The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:

''(1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.

''(2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.

''(3) Support measures that are required by the permits required by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et seq.) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.

''(d) ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.—(1) In carrying out the requirement of subsection (a), the Secretary of Defense shall provide for—

''(A) maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions referred to in subsection (a), including but not limited to the use of technologies and procedures that will minimize risk to the public at each site; and

''(B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.

''(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.

''(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

''(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.

''(e) GRANTS AND COOPERATIVE AGREEMENTS.—(1)(A) In order to carry out subsection (d)(1)(A), the Secretary of Defense may make grants to State and local governments and to tribal organizations (either directly or through the Federal Emergency Management Agency) to assist those governments and tribal organizations in carrying out functions relating to emergency preparedness and response in connection with the disposal of the lethal chemical agents and munitions referred to in subsection (a). Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants.

''(B) Additionally, the Secretary may provide funds through cooperative agreements with State and local governments, and with tribal organizations, for the purpose of assisting them in processing, approving, and overseeing permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence.

''(C) In this paragraph, the term 'tribal organization' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

''(2)(A) In coordination with the Secretary of the Army and in accordance with agreements between the Secretary of the Army and the Administrator of the Federal Emergency Management Agency, the Administrator shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

''(i) the storage of lethal chemical agents and munitions referred to in subsection (a) at military installations in the continental United States; or

''(ii) the destruction of such agents and munitions at facilities referred to in subsection (d)(1)(B).

''(B) Assistance may be provided under this paragraph for capabilities to respond to emergencies involving an installation or facility as described in subparagraph (A) until the earlier of the following:

''(i) The date of the completion of all grants and cooperative agreements with respect to the installation or facility for purposes of this paragraph between the Federal Emergency Management Agency and the State and local governments concerned.

''(ii) The date that is 180 days after the date of the completion of the destruction of lethal chemical agents and munitions at the installation or facility.

''(C) Not later than December 15 of each year, the Administrator shall transmit a report to Congress on the activities carried out under this paragraph during the fiscal year preceding the fiscal year in which the report is submitted.

''(f) REQUIREMENT FOR STRATEGIC PLAN.—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Army shall jointly prepare, and from time to time shall update as appropriate, a strategic plan for future activities for destruction of the United States' stockpile of lethal chemical agents and munitions.

''(2) The plan shall include, at a minimum, the following considerations:

''(A) Realistic budgeting for stockpile destruction and related support programs.

''(B) Contingency planning for foreseeable or anticipated problems.

''(C) A management approach and associated actions that address compliance with the obligations of the United States under the Chemical Weapons Convention and that take full advantage of opportunities to accelerate destruction of the stockpile.

''(3) The Secretary of Defense shall each year submit to the Committee on the Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the strategic plan as most recently prepared and updated under paragraph (1). Such submission shall be made each year at the time of the submission to the Congress that year of the President's budget for the next fiscal year.

''(g) MANAGEMENT ORGANIZATION.—(1) In carrying out this section, the Secretary of Defense shall provide for a management organization within the Department of the

Army. The Secretary of the Army shall be responsible for management of the destruction of agents and munitions at all sites except Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado.

''(2) The program manager for the Assembled Chemical Weapons Alternative Program shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Bluegrass Army Depot, Kentucky, and Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions. In performing such management, the program manager shall act independently of the Army program manager for Chemical Demilitarization and shall report to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(3) The Secretary of Defense shall designate a general officer or civilian equivalent as the director of the management organization established under paragraph (1). Such officer shall have—

''(A) experience in the acquisition, storage, and destruction of chemical agents and munitions; and

''(B) outstanding qualifications regarding safety in handling chemical agents and munitions.

''(h) IDENTIFICATION OF FUNDS.—(1) Funds for carrying out this section, including funds for military construction projects necessary to carry out this section, shall be set forth in the budget of the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department.

''(2) Amounts appropriated to the Secretary of Defense for the purpose of carrying out subsection (e) shall be promptly made available to the Administrator of the Federal Emergency Management Agency.

''(i) ANNUAL REPORTS.—(1) Except as provided by paragraph (3), the Secretary of Defense shall transmit, by December 15 each year, a report to Congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.

''(2) Each annual report shall include the following:

''(A) A site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation.

''(B) A site-by-site description of actions taken to assist State and local governments (either directly or through the Federal Emergency Management Agency) in carrying out functions relating to emergency preparedness and response in accordance with subsection (e).

''(C) An accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for—

''(i) the construction of and equipment for facilities used for the destruction of agents and munitions;

''(ii) the operation of such facilities;

''(iii) the dismantling or other closure of such facilities;

''(iv) research and development;

''(v) program management;

''(vi) travel and associated travel costs for Citizens' Advisory Commissioners under subsection (m)(7); and

''(vii) grants to State and local governments to assist those governments in carrying out functions relating to emergency preparedness and response in accordance with subsection (e).

''(D) An assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including—

''(i) an estimate on how much longer that stockpile can continue to be stored safely;

''(ii) a site-by-site assessment of the safety of those agents and munitions; and

''(iii) a description of the steps taken (to the date of the report) to monitor the safety status of the stockpile and to mitigate any further deterioration of that status.

''(3) The Secretary shall transmit the final report under paragraph (1) not later than 120 days following the completion of activities under this section.

''(j) SEMIANNUAL REPORTS.—(1) Not later than March 1 and September 1 each year until the year in which the United States completes the destruction of its entire stockpile of chemical weapons under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to the members and committees of Congress referred to in paragraph (3) a report on the implementation by the United States of its chemical weapons destruction obligations under the Chemical Weapons Convention.

''(2) Each report under paragraph (1) shall include the following:

''(A) The anticipated schedule at the time of such report for the completion of destruction of chemical agents, munitions, and materiel at each chemical weapons demilitarization facility in the United States.

''(B) A description of the options and alternatives for accelerating the completion of chemical weapons destruction at each such facility, particularly in time to meet the stockpile elimination deadline.

''(C) A description of the funding required to achieve each of the options for destruction described under subparagraph (B), and a detailed life-cycle cost estimate for each of the affected facilities included in each such funding profile.

''(D) A description of all actions being taken by the United States to accelerate the destruction of its entire stockpile of chemical weapons, agents, and materiel in order to meet the current stockpile elimination deadline under the Chemical Weapons Convention of April 29, 2012, or as soon thereafter as possible.

''(3) The members and committees of Congress referred to in this paragraph are—

''(A) the majority leader and the minority leader of the Senate and the Committee on Armed Services and the Committee on Appropriations of the Senate; and

''(B) the Speaker of the House of Representatives, the majority leader and the minority leader of the House of Representatives, and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

''(k) AUTHORIZED USE OF TOXIC CHEMICALS.—Consistent with United States obligations under the Chemical Weapons Convention, the Secretary of Defense may develop, produce, otherwise acquire, retain, transfer, and use toxic chemicals and their precursors for purposes not prohibited by the Chemical Weapons Convention if the types and quantities of such chemicals and precursors are consistent with such purposes, including for protective purposes such as protection against toxic chemicals and protection against chemical weapons.

''(l) SURVEILLANCE AND ASSESSMENT PROGRAM.—The Secretary of Defense shall conduct an ongoing comprehensive program of—

''(1) surveillance of the existing United States stockpile of chemical weapons; and

''(2) assessment of the condition of the stockpile.

''(m) CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1)(A) The Secretary of the Army shall establish a citizens' commission for each State in which there is a chemical demilitarization facility under Army management.

''(B) The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs shall establish a chemical demilitarization citizens' commission in Colorado and in Kentucky.

''(C) Each commission under this subsection shall be known as the 'Chemical Demilitarization Citizens' Advisory Commission' for the State concerned.

''(2)(A) The Secretary of the Army, or the Department of Defense with respect to Colorado and Kentucky, shall provide for a representative to meet with each commission established under this subsection to receive citizen and State concerns regarding the ongoing program for the disposal of the lethal chemical agents and munitions in the stockpile referred to in subsection (a) at each of the sites with respect to which a commission is established pursuant to paragraph (1).

''(B) The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) to meet with each commission under Army management.

''(C) The Department of Defense shall provide for a representative from the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs to meet with the commissions in Colorado and Kentucky.

''(3)(A) Each commission under this subsection shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State. The other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.

''(B) For purposes of this paragraph, affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.

''(4) For a period of five years after the termination of any commission under this subsection, no corporation, partnership, or other organization in which a member of that commission, a spouse of a member of that commission, or a natural or adopted child of a member of that commission has an ownership interest may be awarded—

''(A) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in subsection (a); or

''(B) a subcontract under such a contract.

''(5) The members of each commission under this subsection shall designate the chair of such commission from among the members of such commission.

''(6) Each commission under this subsection shall meet with a representative from the Army, or the Office of the Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs with respect to the commissions in Colorado and Kentucky, upon joint agreement between the chair of such commission and that representative. The two parties shall meet not less often than twice a year and may meet more often at their discretion.

''(7) Members of each commission under this subsection shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel costs for commissioners of commissions under this subsection when such travel is conducted at the invitation of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) or the invitation of the

Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs for the commissions in Colorado and Kentucky.

''(8) Each commission under this subsection shall be terminated after the closure activities required pursuant to regulations prescribed by the Administrator of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) have been completed for the chemical agent destruction facility in such commission's State, or upon the request of the Governor of such commission's State, whichever occurs first.

''(n) INCENTIVE CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS.—(1)(A) The Secretary of Defense may, for the purpose specified in paragraph (B), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to subsection (a).

''(B) The purpose of a clause referred to in subparagraph (A) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

''(2)(A) An incentives clause under this subsection shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

''(B) The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed the following amounts:

''(i) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, $110,000,000.

''(ii) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, $55,000,000.

''(C) An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

''(D) The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this subsection shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

''(E) The provisions of any incentives clause under this subsection shall be consistent with the obligation of the Secretary of Defense under subsection (d)(1)(A), to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

''(F) In negotiating the inclusion of an incentives clause in a contract under this subsection, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

''(3)(A) No payment may be made under an incentives clause under this subsection unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

''(B) An incentives clause under this subsection shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this subsection.

''(o) DEFINITIONS.—In this section:

''(1) The term 'chemical agent and munition' means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does not include riot control agents, chemical herbicides, smoke and other obscuration materials.

''(2) The term 'Chemical Weapons Convention' means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

''(3) The term 'lethal chemical agent and munition' means a chemical agent or munition that is designed to cause death, through its chemical properties, to human beings in field concentrations.

''(4) The term 'destruction' means, with respect to chemical munitions or agents—

''(A) the demolishment of such munitions or agents by incineration or by any other means; or

''(B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.''.

(b) REPEAL OF LAWS RESTATED IN SECTION 1412 AND OBSOLETE PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 125 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1043; 50 U.S.C. 1521 note).

(2) Sections 172, 174, 175, and 180 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2341; 50 U.S.C. 1521 note).

(3) Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (50 U.S.C. 1521 note).

(4) Section 8065 of the Omnibus Consolidated Appropriations Act, 1997 (50 U.S.C. 1521 note).

(5) Section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note).

(6) Section 141 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 537; 50 U.S.C. 1521 note).

(7) Section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note).

(8) Section 923 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2360; 50 U.S.C. 1521 note).

(9) Section 8119 of the Department of Defense Appropriations Act, 2008 (Public Law 110–116; 121 Stat. 1340; 50 U.S.C. 1521 note).

(10) Section 922(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 283; 50 U.S.C. 1521 note).

Subtitle D—Other Matters

SEC. 1431. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2011 from the Armed Forces Retirement Home Trust Fund the sum of $71,200,000 for the operation of the Armed Forces Retirement Home.

SEC. 1432. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1409 and available for the Defense Health Program for operation and maintenance, $132,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated for the Department of Defense specifically for such transfer.

(b) USE OF TRANSFERRED FUNDS.—For purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Navy and Marine Corps procurement.
Sec. 1505. Air Force procurement.
Sec. 1506. Defense-wide activities procurement.
Sec. 1507. National Guard and Reserve equipment.
Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Military personnel.
Sec. 1512. Working capital funds.
Sec. 1513. Defense Health Program.
Sec. 1514. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1515. Defense Inspector General.

Subtitle B—Financial Matters

Sec. 1521. Treatment as additional authorizations.
Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

Sec. 1531. Limitations on availability of funds in Afghanistan Security Forces Fund.
Sec. 1532. Limitations on availability of funds in Iraq Security Forces Fund.
Sec. 1533. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1534. Joint Improvised Explosive Device Defeat Fund.
Sec. 1535. Task Force for Business and Stability Operations in Afghanistan and economic transition plan and economic strategy for Afghanistan.

Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2011 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,373,803,000.

(2) For missile procurement, $343,828,000.

(3) For weapons and tracked combat vehicles procurement, $687,500,000.

(4) For ammunition procurement, $384,441,000.

(5) For other procurement, $5,827,274,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Joint Improvised Explosive Device Defeat Fund in the amount of $3,465,868,000.

SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $420,358,000.

(2) For weapons procurement, Navy, $93,425,000.

(3) For ammunition procurement, Navy and Marine Corps, $565,084,000.

(4) For other procurement, Navy, $480,735,000.

(5) For procurement, Marine Corps, $1,705,069,000.

SEC. 1505. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement accounts of the Air Force in amounts as follows:

(1) For aircraft procurement, $1,096,520,000.

(2) For ammunition procurement, $292,959,000.

(3) For missile procurement, $56,621,000.

(4) For other procurement, $2,992,681,000.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement account for Defense-wide activities in the amount of $844,546,000.

SEC. 1507. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $700,000,000.

SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $3,415,000,000.

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $150,906,000.

(2) For the Navy, $60,401,000.

(3) For the Air Force, $266,241,000.

(4) For Defense-wide activities, $661,240,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $63,202,618,000.

(2) For the Navy, $8,692,173,000.

(3) For the Marine Corps, $4,136,522,000.

(4) For the Air Force, $13,487,283,000.

(5) For Defense-wide activities, $9,436,358,000.

(6) For the Army Reserve, $286,950,000.

(7) For the Navy Reserve, $93,559,000.

(8) For the Marine Corps Reserve, $29,685,000.

(9) For the Air Force Reserve, $129,607,000.

(10) For the Army National Guard, $544,349,000.

(11) For the Air National Guard, $350,823,000.

(12) For the Afghanistan Security Forces Fund, $11,619,283,000.

(13) For the Iraq Security Forces Fund, $1,500,000,000.

(14) For the Overseas Contingency Operations Transfer Fund, $506,781,000.

SEC. 1511. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the Department of Defense for military personnel in the amount of $15,275,502,000.

SEC. 1512. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $485,384,000.

SEC. 1513. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,398,092,000 for operation and maintenance.

SEC. 1514. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $457,110,000.

SEC. 1515. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $10,529,000.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2011 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS.—Funds made available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2011 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by subsection (b) of this section.

(b) MODIFICATION OF PRIOR NOTICE AND REPORTING REQUIREMENTS.—Section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428) is amended—

(1) in subsection (e), by striking ''five days'' and inserting ''15 days''; and

(2) in subsection (g), by adding at the end the following new sentence: ''The Secretary may treat a report submitted under section 9010 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3466), or a successor provision of law, with respect to a fiscal-year quarter as satisfying the requirements for a report under this subsection for that fiscal-year quarter.''.

SEC. 1532. LIMITATIONS ON AVAILABILITY OF FUNDS IN IRAQ SECURITY FORCES FUND.

(a) APPLICATION OF EXISTING LIMITATIONS.—Subject to subsection (b), funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426), as amended by subsection (d) of this section.

(b) COST-SHARE REQUIREMENT.—

(1) REQUIREMENT.—If funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2011 are used for the purchase of any item or service for Iraq Security Forces, the funds may not cover more than 80 percent of the cost of the item or service.

(2) EXCEPTION.—Paragraph (1) does not apply to any item that the Secretary of Defense determines—

(A) is an item of significant military equipment (as such term is defined in section 47(9) of the Arms Export Control Act (22 U.S.C. 2794(9))); or

(B) is included on the United States Munitions List, as designated pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(c) LIMITATION ON OBLIGATION OF FUNDS PENDING CERTAIN COMMITMENT BY GOVERNMENT OF IRAQ.—

(1) LIMITATION.—Of the amount available to the Iraq Security Forces Fund as described in subsection (a), not more than $1,000,000,000 may be obligated until the Secretary of Defense certifies to Congress that the Government of Iraq has demonstrated a commitment to each of the following:

(A) To adequately build the logistics and maintenance capacity of the Iraqi security forces.

(B) To develop the institutional capacity to manage such forces independently.

(C) To develop a culture of sustainment for equipment provided by the United States or acquired with United States assistance.

(2) BASIS FOR CERTIFICATION.—The certification of the Secretary under paragraph (1)

shall include a description of the actions taken by the Government of Iraq that, in the determination of the Secretary, support the certification.

(d) MODIFICATION OF PRIOR NOTICE AND REPORTING REQUIREMENTS.—Section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426) is amended—

(1) in subsection (e), by striking ''five days'' and inserting ''15 days''; and

(2) in subsection (g), by adding at the end the following new sentence: ''The Secretary may treat a report submitted under section 9010 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118; 123 Stat. 3466), or a successor provision of law, with respect to a fiscal-year quarter as satisfying the requirements for a report under this subsection for that fiscal-year quarter.''.

SEC. 1533. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1534. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2011.

(b) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—

(1) REPORTS REQUIRED.—Not later than 15 days after the end of each month of fiscal year 2011, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(2) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439) is amended by striking subsection (e).

SEC. 1535. TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN AND ECONOMIC TRANSITION PLAN AND ECONOMIC STRATEGY FOR AFGHANISTAN.

(a) PROJECTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.—

(1) IN GENERAL.—The Task Force for Business and Stability Operations in Afghanistan may carry out projects to assist the commander of United States Forces-Afghanistan and the Ambassador of the United States Mission in Afghanistan to reduce violence, enhance stability, and support economic normalcy in Afghanistan through strategic business and economic activities.

(2) DIRECTION, CONTROL, AND CONCURRENCE.—A project carried out under paragraph (1) shall be subject to—

(A) the direction and control of the Secretary of Defense; and

(B) the concurrence of the Secretary of State.

(3) SCOPE OF PROJECTS.—The projects carried out under paragraph (1) may include projects that facilitate private investment, industrial development, banking and financial system development, agricultural diversification and revitalization, and energy development in and with respect to Afghanistan.

(4) FUNDING.—The Secretary may use funds available for overseas contingency operations for operation and maintenance for the Army for additional activities to carry out projects under paragraph (1). The amount of funds used under authority in the preceding sentence may not exceed $150,000,000.

(5) PROHIBITION ON USE OF CERTAIN FUNDS.—Funds provided for the Commanders' Emergency Response Program may not be utilized to support or carry out projects of the Task Force for Business and Stability Operations.

(6) REPORT.—Not later than October 31, 2011, the Secretary of Defense shall submit to the appropriate congressional committees a report describing—

(A) the activities of the Task Force for Business and Stability Operations in Afghanistan in support of Operation Enduring Freedom during fiscal year 2011, including the projects carried out under paragraph (1) during that fiscal year; and

(B) how the activities of the Task Force for Business and Stability Operations in Afghanistan support the long-term stabilization of Afghanistan.

(7) EXPIRATION OF AUTHORITY.—The authority provided in paragraph (1) shall expire on September 30, 2011.

(b) PLAN FOR TRANSITION OF TASK FORCE ACTIVITIES TO AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) PLAN REQUIRED.—The Secretary of Defense, the Administrator of the Agency for International Development, and the Secretary of State shall jointly develop a plan to transition the activities of the Task Force for Business and Stability Operations in Afghanistan to the Department of State.

(2) ELEMENTS OF PLAN.—The plan shall describe at a minimum the following:

(A) The activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011.

(B) Those activities that the Task Force for Business and Stability Operations in Afghanistan carried out in fiscal year 2011 that the Agency for International Development will continue in fiscal year 2012, including those activities that, rather than explicitly continued, may be merged with similar efforts carried out by the Agency for International Development.

(C) Any activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011 that the Agency for International Development will not continue and the reasons that such activities shall not be continued.

(D) Those actions that may be necessary to transition activities carried out by the Task Force for Business and Stability Operations in Afghanistan in fiscal year 2011 and that will be continued by the Agency for International Development in fiscal year 2012 from the Department of Defense to the Agency for International Development.

(3) REPORT REQUIRED.—At the same time that the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2012, the Secretary of Defense shall submit the plan to the appropriate congressional committees.

(c) REPORT ON ECONOMIC STRATEGY FOR AFGHANISTAN.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President, acting through the Secretary of State and the Secretary of Defense, shall submit to the appropriate congressional committees a report on an economic strategy for Afghanistan that—

(A) supports the United States counterinsurgency campaign in Afghanistan;

(B) promotes economic stabilization in Afghanistan, consistent with a longer-term development plan for Afghanistan; and

(C) enhances the establishment of sustainable institutions in Afghanistan.

(2) ELEMENTS.—The report shall include the following:

(A) An identification of the sectors within the Afghanistan economy that offer the greatest economic opportunities to support the purposes of the economic strategy for Afghanistan set forth under paragraph (1).

(B) An assessment of the capabilities of the Government of Afghanistan to increase revenue generation to meet its own operational and developmental costs in the short-term, medium-term, and long-term.

(C) An assessment of the infrastructure (water, power, rail, road) required to underpin economic development in Afghanistan.

(D) A description of the potential role in the economic strategy for Afghanistan of each of the following:

(i) Private sector investment, including investment by and through the Overseas Private Investment Corporation.

(ii) Efforts to promote public-private partnerships.

(iii) National Priority Programs of the Government of Afghanistan, including the Afghanistan National Solidarity Program, and public works projects.

(iv) International financial institutions, including the International Bank for Reconstruction and Development and the Asian Development Bank.

(v) Efforts to promote trade, including efforts by and through the Export-Import Bank of the United States.

(vi) Department of Defense policies to promote economic stabilization and development, including the Afghanistan First procurement policy and efforts by the Department to enhance transportation, electrification, and communications networks both within Afghanistan and between Afghanistan and neighboring countries.

(E) An evaluation of the regional dimension of an economic strategy for Afghanistan, including a description of economic areas suitable for regional collaboration and a prioritization among such areas for attention under the strategy.

(F) A timeline and milestones for activities that can promote economic stabilization, development, and sustainability in Afghanistan in the short-term, medium-term, and long-term.

(G) Metrics for assessing progress under the economic strategy for Afghanistan.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

TITLE XVI—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

Sec. 1601. Definition of Department of Defense sexual assault prevention and response program and other definitions.

Sec. 1602. Comprehensive Department of Defense policy on sexual assault prevention and response program.

Subtitle A—Organizational Structure and Application of Sexual Assault Prevention and Response Program Elements

Sec. 1611. Sexual Assault Prevention and Response Office.

Sec. 1612. Oversight and evaluation standards.
Sec. 1613. Report and plan for completion of acquisition of centralized Department of Defense sexual assault database.
Sec. 1614. Restricted reporting of sexual assaults.
Subtitle B—Improved and Expanded Availability of Services
Sec. 1621. Improved protocols for providing medical care for victims of sexual assault.
Sec. 1622. Sexual assault victims access to Victim Advocate services.
Subtitle C—Reporting Requirements
Sec. 1631. Annual report regarding sexual assaults involving members of the Armed Forces and improvement to sexual assault prevention and response program.
Sec. 1632. Additional reports.

SEC. 1601. DEFINITION OF DEPARTMENT OF DEFENSE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM AND OTHER DEFINITIONS.

(a) SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM DEFINED.—In this title, the term ''sexual assault prevention and response program'' refers to Department of Defense policies and programs, including policies and programs of a specific military department or Armed Force, that, as modified as required by this title—

(1) are intended to reduce the number of sexual assaults involving members of the Armed Forces, whether members are the victim, alleged assailant, or both; and

(2) improve the response of the Department of Defense, the military departments, and the Armed Forces to reports of sexual assaults involving members of the Armed Forces, whether members are the victim, alleged assailant, or both, and to reports of sexual assaults when a covered beneficiary under chapter 55 of title 10, United States Code, is the victim.

(b) OTHER DEFINITIONS.—In this title:

(1) The term ''Armed Forces'' means the Army, Navy, Air Force, and Marine Corps.

(2) The terms ''covered beneficiary'' and ''dependent'' have the meanings given those terms in section 1072 of title 10, United States Code.

(3) The term ''department'' has the meaning given that term in section 101(a)(6) of title 10, United States Code.

(4) The term ''military installation'' has the meaning given that term by the Secretary concerned.

(5) The term ''Secretary concerned'' means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force.

(6) The term ''sexual assault'' has the definition developed for that term by the Secretary of Defense pursuant to subsection (a)(3) of section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note), subject to such modifications as the Secretary considers appropriate.

SEC. 1602. COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than March 30, 2012, the Secretary of Defense shall submit to the congressional defense committees a revised comprehensive policy for the Department of Defense sexual assault prevention and response program that—

(1) builds upon the comprehensive sexual assault prevention and response policy developed under subsections (a) and (b) of section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note);

(2) incorporates into the sexual assault prevention and response program the new requirements identified by this title; and

(3) ensures that the policies and procedures of the military departments regarding sexual assault prevention and response are consistent with the revised comprehensive policy.

(b) CONSIDERATION OF TASK FORCE FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the comprehensive policy required by subsection (a), the Secretary of Defense shall take into account the findings and recommendations found in the report of the Defense Task Force on Sexual Assault in the Military Services issued in December 2009.

(c) SEXUAL ASSAULT PREVENTION AND RESPONSE EVALUATION PLAN.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop and implement an evaluation plan for assessing the effectiveness of the comprehensive policy prepared under subsection (a) in achieving its intended outcomes at the department and individual Armed Force levels.

(2) ROLE OF SERVICE SECRETARIES.—As a component of the evaluation plan, the Secretary of each military department shall assess the adequacy of measures undertaken at military installations and by units of the Armed Forces under the jurisdiction of the Secretary to ensure the safest and most secure living and working environments with regard to preventing sexual assault.

(d) PROGRESS REPORT.—Not later than October 1, 2011, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) describing the process by which the comprehensive policy required by subsection (a) is being revised;

(2) describing the extent to which revisions of the comprehensive policy and the evaluation plan required by subsection (c) have already been implemented; and

(3) containing a determination by the Secretary regarding whether the Secretary will be able to comply with the revision deadline specified in subsection (a).

(e) CONSISTENCY OF TERMINOLOGY, POSITION DESCRIPTIONS, PROGRAM STANDARDS, AND ORGANIZATIONAL STRUCTURES.—

(1) IN GENERAL.—The Secretary of Defense shall require the use of consistent terminology, position descriptions, minimum program standards, and organizational structures throughout the Armed Forces in implementing the sexual assault prevention and response program.

(2) MINIMUM STANDARDS.—The Secretary of Defense shall establish minimum standards for—

(A) the training, qualifications, and status of Sexual Assault Response Coordinators and Sexual Assault Victim Advocates for the Armed Forces; and

(B) the curricula to be used to provide sexual assault prevention and response training and education for members of the Armed Forces and civilian employees of the department to strengthen individual knowledge, skills, and capacity to prevent and respond to sexual assault.

(3) RECOGNIZING OPERATIONAL DIFFERENCES.—In complying with this subsection, the Secretary of Defense shall take into account the responsibilities of the Secretary concerned and operational needs of the Armed Force involved.

Subtitle A—Organizational Structure and Application of Sexual Assault Prevention and Response Program Elements

SEC. 1611. SEXUAL ASSAULT PREVENTION AND RESPONSE OFFICE.

(a) APPOINTMENT OF DIRECTOR.—There shall be a Director of the Sexual Assault Prevention and Response Office. During the development and implementation of the comprehensive policy for the Department of Defense sexual assault prevention and response program, the Director shall operate under the oversight of the Advisory Working Group of the Deputy Secretary of Defense.

(b) DUTIES OF DIRECTOR.—The Director of the Sexual Assault Prevention and Response Office shall—

(1) oversee implementation of the comprehensive policy for the Department of Defense sexual assault prevention and response program;

(2) serve as the single point of authority, accountability, and oversight for the sexual assault prevention and response program; and

(3) provide oversight to ensure that the military departments comply with the sexual assault prevention and response program.

(c) ROLE OF INSPECTORS GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Defense, the Inspector General of the Army, the Naval Inspector General, and the Inspector General of the Air Force shall treat the sexual assault prevention and response program as an item of special interest when conducting inspections of organizations and activities with responsibilities regarding the prevention and response to sexual assault.

(2) COMPOSITION OF INVESTIGATION TEAMS.—The Inspector General inspection teams shall include at least one member with expertise and knowledge of sexual assault prevention and response policies related to a specific Armed Force.

(d) STAFF.—

(1) ASSIGNMENT.—Not later than 18 months after the date of the enactment of this Act, an officer from each of the Armed Forces in the grade of O–4 or above shall be assigned to the Sexual Assault Prevention and Response Office for a minimum tour length of at least 18 months.

(2) HIGHER GRADE.—Notwithstanding paragraph (1), of the four officers assigned to the Sexual Assault Prevention and Response Office under this subsection at any time, one officer shall be in the grade of O–6 or above.

SEC. 1612. OVERSIGHT AND EVALUATION STANDARDS.

(a) ISSUANCE OF STANDARDS.—The Secretary of Defense shall issue standards to assess and evaluate the effectiveness of the sexual assault prevention and response program of each Armed Force in reducing the number of sexual assaults involving members of the Armed Forces and in improving the response of the department to reports of sexual assaults involving members of the Armed Forces, whether members of the Armed Forces are the victim, alleged assailant, or both.

(b) SEXUAL ASSAULT PREVENTION EVALUATION PLAN.—The Secretary of Defense shall use the sexual assault prevention and response evaluation plan developed under section 1602(c) to ensure that the Armed Forces implement and comply with assessment and evaluation standards issued under subsection (a).

SEC. 1613. REPORT AND PLAN FOR COMPLETION OF ACQUISITION OF CENTRALIZED DEPARTMENT OF DEFENSE SEXUAL ASSAULT DATABASE.

(a) REPORT AND PLAN REQUIRED.—Not later than April 1, 2011, the Secretary of Defense

shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(1) describing the status of development and implementation of the centralized Department of Defense sexual assault database required by section 563 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4470; 10 U.S.C. 113 note);

(2) containing a revised implementation plan under subsection (c) of such section for completing implementation of the database; and

(3) indicating the date by which the database will be operational.

(b) CONTENT OF IMPLEMENTATION PLAN.—The plan referred to in subsection (a)(2) shall address acquisition best practices associated with successfully acquiring and deploying information technology systems related to the centralized sexual assault database, such as economically justifying the proposed system solution and effectively developing and managing requirements.

SEC. 1614. RESTRICTED REPORTING OF SEXUAL ASSAULTS.

The Secretary of Defense shall 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

SEC. 1621. IMPROVED PROTOCOLS FOR PROVIDING MEDICAL CARE FOR VICTIMS OF SEXUAL ASSAULT.

The Secretary of Defense shall establish comprehensive and consistent protocols for providing and documenting medical care to a member of the Armed Forces or covered beneficiary who is a victim of a sexual assault, including protocols with respect to the appropriate screening, prevention, and mitigation of diseases. In establishing the protocols, the Secretary shall take into consideration the gender of the victim.

SEC. 1622. SEXUAL ASSAULT VICTIMS ACCESS TO VICTIM ADVOCATE SERVICES.

(a) AVAILABILITY OF VICTIM ADVOCATE SERVICES.—

(1) AVAILABILITY.—A member of the Armed Forces or a dependent, as described in paragraph (2), who is the victim of a sexual assault is entitled to assistance provided by a qualified Sexual Assault Victim Advocate.

(2) COVERED DEPENDENTS.—The assistance described in paragraph (1) is available to a dependent of a member of the Armed Forces who is the victim of a sexual assault and who resides on or in the vicinity of a military installation. The Secretary concerned shall define the term ''vicinity'' for purposes of this paragraph.

(b) NOTICE OF AVAILABILITY OF ASSISTANCE; OPT OUT.—The member or dependent shall be informed of the availability of assistance under subsection (a) as soon as the member or dependent seeks assistance from a Sexual Assault Response Coordinator. The victim shall also be informed that the services of a Sexual Assault Response Coordinator and Sexual Assault Victim Advocate are optional and that these services may be declined, in whole or in part, at any time.

(c) NATURE OF REPORTING IMMATERIAL.—In the case of a member of the Armed Forces, Victim Advocate services are available regardless of whether the member elects unrestricted or restricted (confidential) reporting of the sexual assault.

Subtitle C—Reporting Requirements

SEC. 1631. ANNUAL REPORT REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES AND IMPROVEMENT TO SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) ANNUAL REPORTS ON SEXUAL ASSAULTS.—Not later than March 1, 2012, and each March 1 thereafter through March 1, 2017, the Secretary of each military department shall 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. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

(b) CONTENTS.—The report of a Secretary of a military department for an Armed Force under subsection (a) shall contain the following:

(1) The number of sexual assaults committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(2) The number of sexual assaults committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this paragraph may not be combined with the information required by paragraph (1).

(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in the case, including the type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

(4) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by the report in response to incidents of sexual assault involving members of the Armed Force concerned.

(5) The number of substantiated sexual assault cases in which the victim is a deployed member of the Armed Forces and the assailant is a foreign national, and the policies, procedures, and processes implemented by the Secretary concerned to monitor the investigative processes and disposition of such cases and any actions taken to eliminate any gaps in investigating and adjudicating such cases.

(6) A description of the implementation of the accessibility plan implemented pursuant to section 596(b) of such Act, including a description of the steps taken during that year to ensure that trained personnel, appropriate supplies, and transportation resources are accessible to deployed units in order to provide an appropriate and timely response in any case of reported sexual assault in a deployed unit, location, or environment.

(c) CONSISTENT DEFINITION OF SUBSTANTIATED.—Not later than December 31, 2011, the Secretary of Defense shall establish a consistent definition of ''substantiated'' for purposes of paragraphs (1), (2), (3), and (5) of subsection (b) and provide synopses for those cases for the preparation of reports under this section.

(d) SUBMISSION TO CONGRESS.—Not later than April 30 of each year in which the Secretary of Defense receives reports under subsection (a), the Secretary of Defense shall forward the reports to the Committees on Armed Services of the Senate and House of Representatives, together with—

(1) the results of assessments conducted under the evaluation plan required by section 1602(c); and

(2) such assessments on the reports as the Secretary of Defense considers appropriate.

(e) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—

(1) REPEAL.—Subsection (f) of section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) is repealed.

(2) SUBMISSION OF 2010 REPORT.—The reports required by subsection (f) of section 577 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 113 note) covering calendar year 2010 are still required to be submitted to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives pursuant to the terms of such subsection, as in effect before the date of the enactment of this Act.

SEC. 1632. ADDITIONAL REPORTS.

(a) EXTENSION OF SEXUAL ASSAULT PREVENTION AND RESPONSE SERVICES TO ADDITIONAL PERSONS.—The Secretary of Defense shall evaluate the feasibility of extending department sexual assault prevention and response services to Department of Defense civilian employees and employees of defense contractors who—

(1) are victims of a sexual assault; and

(2) work on or in the vicinity of a military installation or with members of the Armed Forces.

(b) EXTENSION OF SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM TO RESERVE COMPONENTS.—The Secretary of Defense shall evaluate the application of the sexual assault prevention and response program to members of the reserve components, including, at a minimum, the following:

(1) The ability of members of the reserve components to access the services available under the sexual assault prevention and response program, including policies and programs of a specific military department or Armed Force.

(2) The quality of training provided to Sexual Assault Response Coordinators and Sexual Assault Victim Advocates in the reserve components.

(3) The degree to which the services available for regular and reserve members under the sexual assault prevention and response program are integrated.

(4) Such recommendations as the Secretary of Defense considers appropriate on how to improve the services available for reserve members under the sexual assault prevention and response program and their access to the services.

(c) COPY OF RECORD OF COURT-MARTIAL TO VICTIM OF SEXUAL ASSAULT.—The Secretary of Defense shall evaluate the feasibility of requiring that a copy of the prepared record of the proceedings of a general or special court-martial involving a sexual assault be given to the victim in cases in which the victim testified during the proceedings.

(d) ACCESS TO LEGAL ASSISTANCE.—The Secretary of Defense shall evaluate the feasibility of authorizing members of the Armed Forces who are victims of a sexual assault and dependents of members who are victims of a sexual assault to receive legal assistance provided by a military legal assistance counsel certified as competent to provide legal assistance related to responding to sexual assault.

(e) USE OF FORENSIC MEDICAL EXAMINERS.—The Secretary of Defense shall evaluate the feasibility of utilizing, when sexual assaults involving members of the Armed Forces occur in a military environment where civilian resources are limited or unavailable, forensic medical examiners who are specially trained regarding the collection and preservation of evidence in cases involving sexual assault.

(f) SUBMISSION OF RESULTS.—The Secretary of Defense shall submit the results of the evaluations required by this section to the Committees on Armed Services of the Senate and House of Representatives.

TITLE XVII—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

Sec. 1701. Short title.
Sec. 1702. Recognition of the suffering and loyalty of the residents of Guam.
Sec. 1703. Payments for Guam World War II claims.
Sec. 1704. Adjudication.
Sec. 1705. Grants program to memorialize the occupation of Guam during World War II.
Sec. 1706. Authorization of appropriations.

SEC. 1701. SHORT TITLE.

This title may be cited as the ''Guam World War II Loyalty Recognition Act''.

SEC. 1702. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1703. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) PAYMENTS FOR DEATH, PERSONAL INJURY, FORCED LABOR, FORCED MARCH, AND INTERNMENT.—Subject to the availability of appropriations authorized to be appropriated under section 1706(a), after receipt of certification pursuant to section 1704(b)(8) and in accordance with the provisions of this title, the Secretary of the Treasury shall make payments as follows:

(1) RESIDENTS INJURED.—Before any payments are made to individuals described in paragraph (2), the Secretary shall pay compensable Guam victims who are not deceased as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.

(C) If the victim is not described in subparagraph (A) or (B) but has suffered an injury described in subsection (c)(2)(C), $10,000.

(2) SURVIVORS OF RESIDENTS WHO DIED IN WAR.—In the case of a compensable Guam decedent, the Secretary shall pay $25,000 for distribution to eligible survivors of the decedent as specified in subsection (b). The Secretary shall make payments under this paragraph after payments are made under paragraph (1).

(b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Payments under paragraph (2) of subsection (a) to eligible survivors of an individual who is a compensable Guam decedent shall be made as follows:

(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parent (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term ''compensable Guam decedent'' means an individual determined under section 1704 to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term ''compensable Guam victim'' means an individual determined under section 1704 to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1704. ADJUDICATION.

(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—

(1) IN GENERAL.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1703.

(2) RULES AND REGULATIONS.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.

(b) CLAIMS SUBMITTED FOR PAYMENTS.—

(1) SUBMITTAL OF CLAIM.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1703 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.

(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 1703 shall be filed within one year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79–224).

(5) INTEREST.—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) REMUNERATION PROHIBITED.—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) APPEALS AND FINALITY.—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) CERTIFICATIONS FOR PAYMENT.—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission shall certify it to the Secretary of the Treasury for authorization of a payment under section 1703.

(9) TREATMENT OF AFFIDAVITS.—For purposes of section 1703 and subject to paragraph (2), the Foreign Claims Settlement Commission shall treat a claim that is accompanied by an affidavit of an individual that attests to all of the material facts required for establishing eligibility of such individual for payment under such section as establishing a prima facie case of the individual's eligibility for such payment without the need for further documentation, except as the Commission may otherwise require. Such material facts shall include, with respect to a claim under paragraph (2) or (3) of section 1703(a), a detailed description of the injury or other circumstance supporting the claim involved, including the level of payment sought.

(10) RELEASE OF RELATED CLAIMS.—Acceptance of payment under section 1703 by an individual for a claim related to a compensable Guam decedent or a compensable Guam victim shall be in full satisfaction of all claims related to such decedent or victim, respectively, arising under the Guam Meritorious Claims Act of 1945 (Public Law 79–224), the implementing regulations issued by the United States Navy pursuant thereto, or this title.

SEC. 1705. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) ESTABLISHMENT.—Subject to section 1706(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or

both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.

SEC. 1706. AUTHORIZATION OF APPROPRIATIONS.

(a) GUAM WORLD WAR II CLAIMS PAYMENTS AND ADJUDICATION.—For purposes of carrying out sections 1703 and 1704, there are authorized to be appropriated $100,000,000, to remain available for obligation until September 30, 2016, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) GUAM WORLD WAR II GRANTS PROGRAM.—For purposes of carrying out section 1705, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2016.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2011''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX of this division for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2013; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2013; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2014 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. FUNDING TABLES.

(a) IN GENERAL.—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2403, 2411, 2502, 2606, 2701, and 2703 shall be available in the amounts specified in the funding table in section 3001.

(b) OVERSEAS CONTINGENCY OPERATIONS.—The amounts authorized to be appropriated by sections 2901, 2902, and 2903 shall be available in the amounts specified in the funding table in section 3002.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. 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. 2106. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2107. Modification of authority to carry out certain fiscal year 2010 project.
Sec. 2108. Extension of authorizations of certain fiscal year 2008 projects.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Fort Rucker	$69,650,000
Alaska	Fort Greely	$26,000,000
	Fort Richardson.	$113,238,000
	Fort Wainwright.	$173,000,000
California	Presidio Monterey.	$140,000,000
Colorado	Fort Carson	$106,350,000
Florida	Eglin Air Force Base.	$6,900,000
	Miami-Dade County.	$41,000,000
Georgia	Fort Benning.	$145,400,000
	Fort Gordon	$4,150,000
	Fort Stewart	$125,250,000
Hawaii	Fort Shafter	$81,000,000
	Schofield Barracks.	$212,000,000
	Tripler Army Medical Center.	$28,000,000
Kansas	Fort Leavenworth.	$7,100,000
	Fort Riley	$57,100,000
Kentucky	Fort Campbell.	$143,900,000
	Fort Knox	$18,800,000
Louisiana	Fort Polk	$63,250,000
Maryland	Aberdeen Proving Ground.	$14,600,000
Missouri	Fort Leonard Wood.	$111,700,000
New Mexico	White Sands	$29,000,000
New York	Fort Drum	$228,800,000
	U.S. Military Academy.	$132,324,000
North Carolina.	Fort Bragg	$310,900,000
Oklahoma	Fort Sill	$13,800,000
	McAlester Army Ammunition Plant.	$3,000,000
South Carolina	Fort Jackson.	$91,000,000
Texas	Fort Bliss	$149,950,000
	Fort Hood	$145,050,000
	Fort Sam Houston.	$22,200,000
Virginia	Fort A.P. Hill.	$93,600,000
	Fort Eustis	$18,000,000
	Fort Lee	$18,400,000
Washington	Fort Lewis	$171,800,000
	Yakima Firing Range.	$3,750,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram	$101,500,000
Germany	Ansbach	$31,800,000
	Grafenwoehr	$75,500,000
	Rhine Ordnance Barracks.	$35,000,000
	Sembach Air Base.	$9,100,000
	Wiesbaden Air Base.	$126,500,000
Honduras	Soto Cano Air Base.	$20,400,000
Korea	Camp Walker.	$19,500,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Alaska	Fort Wainwright	110	$21,000,000
Germany	Baumholder	64	$34,329,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to

the construction or improvement of family housing units in an amount not to exceed $2,040,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,000,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,565,507,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $3,152,562,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $419,300,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $249,636,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $92,369,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $518,140,000.

(6) For the construction of increment 4 of a brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $25,000,000.

(7) For the construction of increment 4 of a brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $26,000,000.

(8) For the construction of increment 2 of the Command and Battle Center at Wiesbaden, Germany, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4662), $59,500,000.

SEC. 2105. 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.

(a) FIRE STATION AT FORT BELVOIR, VIRGINIA.—Section 2836(d) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1314), as amended by section 2846 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3527) and section 2849 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2486), is further amended—

(1) in paragraph (2), by inserting ''through a project for construction of an Army standard-design, two-company fire station at Fort Belvoir, Virginia,'' after ''Building 191''; and

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

''(3) The Secretary may use up to $3,900,000 of available, unobligated Army military construction funds appropriated for a fiscal year before fiscal year 2011, in conjunction with the funds provided under paragraph (1), for the project described in paragraph (2).''.

(b) CONGRESSIONAL NOTIFICATION.—The Secretary of the Army shall provide information, in accordance with section 2851(c) of title 10, United States Code, regarding the project described in the amendment made by subsection (a). If it becomes necessary to exceed the estimated project cost of $8,780,000, including $4,880,000 contributed by the Commonwealth of Virginia, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4661) is amended by striking ''Katterbach'' and inserting ''Grafenwoehr''.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Riley, Kansas, for construction of a Brigade Complex at the installation, the Secretary of the Army may construct up to a 40,100 square-feet brigade headquarters consistent with the Army's construction guidelines for brigade headquarters.

SEC. 2108. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 504), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2008 Project Authorizations

State	Installation or Location	Project	Amount
Georgia	Fort Stewart	Unit Operations Facilities	$16,000,000
Hawaii	Schofield Barracks	Tactical Vehicle Wash Facility	$10,200,000
		Barracks Complex-Wheeler 205	$51,000,000
Louisiana	Fort Polk	Brigade Headquarters	$9,800,000
		Child Care Facility	$6,100,000
Missouri	Fort Leonard Wood	Multipurpose Machine Gun Range	$4,150,000
Oklahoma	Fort Sill	Multipurpose Machine Gun Range	$3,300,000
Washington	Fort Lewis	Alternative Fuel Facility	$3,300,000

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Technical amendment to reflect multi-increment fiscal year 2010 project.
Sec. 2206. Extension of authorization of certain fiscal year 2008 project.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Alabama	Mobile	$29,082,000
Arizona	Marine Corps Air Station, Yuma.	$285,060,000
California	Marine Corps Base, Camp Pendleton.	$362,124,000
	Naval Base, Coronado.	$67,160,000
	Marine Corps Air Station, Miramar.	$190,610,000
	San Diego	$193,706,000
	Marine Corps Base, Twentynine Palms.	$53,158,000
Florida	Blount Island Command.	$74,620,000
Georgia	Naval Submarine Base, Kings Bay.	$60,664,000

Inside the United States—Continued

State	Installation or Location	Amount
Hawaii	Marine Corps Base, Camp Smith.	$29,960,000
	Marine Corps Base, Kaneohe Bay.	$109,660,000
	Naval Station, Pearl Harbor.	$108,468,000
Maryland	Naval Support Facility, Indian Head.	$34,328,000
	Naval Air Station, Patuxent River.	$42,211,000
North Carolina.	Marine Corps Base, Camp Lejeune.	$789,393,000
	Marine Corps Air Station, Cherry Point.	$65,510,000
Rhode Island	Naval Station, Newport.	$27,007,000
South Carolina.	Marine Corps Air Station, Beaufort.	$129,410,000
Virginia	Naval Station, Norfolk.	$12,435,000
	Marine Corps Base, Quantico.	$143,632,000
Washington	Bangor	$56,893,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia.	$213,153,000
Djibouti	Camp Lemonier.	$11,148,000
Guam	Naval Activities, Guam.	$66,730,000
Japan	Atsugi Naval Air Facility.	$6,908,000
Spain	Naval Station, Rota.	$23,190,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Guantanamo Bay	71	$37,169,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,255,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $146,020,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,068,963,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,865,001,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $321,129,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,877,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $120,050,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $186,444,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $366,346,000.

(6) For the construction of increment 7 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $19,116,000.

(7) For the construction of increment 2 of a ship repair pier replacement at Norfolk Naval Shipyard, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2633), $100,000,000.

(8) For the construction of increment 2 of a wharves improvement at Apra Harbor, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2633), $40,000,000.

(9) For the construction of increment 2 of a tertiary water treatment plant at Marine Corps Base Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2632), $30,000,000.

SEC. 2205. TECHNICAL AMENDMENT TO REFLECT MULTI-INCREMENT FISCAL YEAR 2010 PROJECT.

Section 2204 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2634) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(14) For the construction of the first increment of a tertiary water treatment plant at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a), $112,330,000.''; and

(2) in subsection (b), by adding at the end the following new paragraph:

''(7) $30,000,000 (the balance of the amount authorized under section 2201(a) for North Region Tertiary Treatment Plant, Camp Pendleton, California).''.

SEC. 2206. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2008 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the table in subsection (b), as provided in section 2201(c) of that Act (122 Stat. 511), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2008 Project Authorization

Location	Installation or Location	Project	Amount
Worldwide	Unspecified	Host Nation Infrastructure	$2,700,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorization of certain fiscal year 2007 project.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base.	$13,400,000
Alaska	Eielson Air Force Base.	$28,000,000
	Elmendorf Air Force Base.	$30,274,000
Arizona	Davis-Monthan Air Force Base.	$48,500,000
	Luke Air Force Base.	$64,410,000
Colorado	Buckley Air Force Base.	$12,160,000
	Peterson Air Force Base.	$24,800,000
	U.S. Air Force Academy.	$27,600,000
Delaware	Dover Air Force Base.	$3,200,000
District of Columbia.	Bolling Air Force Base.	$13,200,000
Florida	Eglin Air Force Base.	$11,400,000
	Hurlburt Field.	$34,670,000
	Patrick Air Force Base.	$158,009,000
Louisiana	Barksdale Air Force Base.	$18,140,000
Nevada	Creech Air Force Base.	$11,710,000
	Nellis Air Force Base.	$51,640,000
New Jersey	McGuire Air Force Base.	$26,440,000
New Mexico	Cannon Air Force Base.	$34,000,000
	Holloman Air Force Base.	$37,970,000
	Kirtland Air Force Base.	$24,402,000
New York	Fort Drum	$20,440,000
North Dakota	Minot Air Force Base.	$18,770,000
Oklahoma	Tinker Air Force Base.	$14,000,000
South Carolina	Charleston Air Force Base.	$15,000,000
Texas	Dyess Air Force Base.	$4,080,000
	Lackland Air Force Base.	$127,280,000
Utah	Hill Air Force Base.	$14,900,000
Virginia	Langley Air Force Base.	$8,800,000
Wyoming	Camp Guernsey.	$4,650,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram	$42,960,000
Bahrain	SW Asia	$45,000,000
Germany	Kapaun	$19,600,000
	Ramstein Air Base.	$22,354,000
	Vilseck	$12,900,000
Guam	Andersen Air Force Base.	$50,300,000
Italy	Aviano Air Base.	$29,200,000
Korea	Kunsan Air Base.	$7,500,000
Qatar	Al Udeid	$62,300,000
United Kingdom.	RAF Mildenhall.	$15,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,225,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $73,800,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,885,112,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $901,845,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $307,114,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $18,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,336,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $78,025,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $513,792,000.

SEC. 2305. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorization set forth in the table in subsection (b), as provided in section 2302 of that Act (120 Stat. 2455) and extended by section 2306 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2638), shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorization

State	Installation	Project	Amount
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations
Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2010 projects.
Subtitle B—Chemical Demilitarization Authorizations
Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2412. Modification of authority to carry out certain fiscal year 2000 project.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma Proving Ground.	$8,977,000
California	Point Magu Naval Base.	$3,100,000
Colorado	Fort Carson	$3,717,000
District of Columbia.	Bolling Air Force Base.	$3,000,000
Florida	Eglin Air Force Base.	$6,030,000
Georgia	Augusta	$12,855,000
	Fort Benning.	$26,865,000
	Fort Stewart	$35,100,000
	Hunter Air National Guard Station	$2,400,000
	Hunter Army Airfield.	$3,318,000
Hawaii	Hickam Air Force Base.	$8,500,000
	Pearl Harbor	$28,804,000
Idaho	Mountain Home Air Force Base.	$27,500,000
Illinois	Scott Air Force Base.	$1,388,000
Kentucky	Fort Campbell.	$38,095,000
Maryland	Andrews Air Force Base.	$14,000,000
	Bethesda Naval Hospital.	$80,000,000
	Fort Detrick	$45,700,000
	Fort Meade	$219,360,000
Massachusetts	Hanscom Air Force Base.	$2,900,000
New Mexico	Cannon Air Force Base.	$116,225,000
	White Sands Missile Range.	$22,900,000
New York	United States Military Academy.	$27,960,000
North Carolina	Camp Lejeune.	$16,646,000
	Fort Bragg	$168,693,000
Ohio	Defense Supply Center, Columbus.	$7,400,000
Pennsylvania	Defense Distribution Depot New Cumberland	$96,000,000
Texas	Lackland Air Force Base.	$162,500,000
Virginia	Craney Island.	$58,000,000
	Fort Belvoir	$6,300,000
	Pentagon Reservation.	$63,324,000
	Marine Corps Base, Quantico.	$47,355,000
Washington	Fort Lewis	$8,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	$99,174,000
Germany	Katterbach	$37,100,000
	Panzer Kaserne.	$48,968,000
	Vilseck	$34,800,000
Japan	Kadena Air Base.	$3,000,000
	Misawa Air Base.	$31,000,000
Korea	Camp Carroll.	$19,500,000
Puerto Rico	Fort Buchanan.	$58,708,000
Qatar	Al Udeid	$1,961,000
United Kingdom.	Menwith Hill Station.	$2,000,000
	Royal Air Force Alconbury.	$30,308,000
	Royal Air Force Mildenhall.	$15,900,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

(a) PROJECTS AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $120,000,000.

(b) AVAILABILITY OF FUNDS FOR RESERVE COMPONENT PROJECTS.—Of the amount authorized to be appropriated by section 2403(6) for energy conservation projects, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of title 10, United States Code) during fiscal year 2010 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,116,137,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,373,312,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $382,419,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $42,856,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $431,617,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $120,000,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $50,464,000.

(B) For credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $17,611,000.

(8) For the construction of increment 5 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $17,400,000.

(9) For the construction of increment 3 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2646), $20,000,000.

(10) For the construction of increment 3 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4689), $105,000,000.

(11) For the construction of increment 3 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $398,358,000.

(12) For the construction of increment 2 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642), $147,100,000.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) AUTHORIZATION OF PROJECT FOR WHICH FUNDS HAVE BEEN APPROPRIATED.—

(1) AUTHORIZATION.—The table relating to the Missile Defense Agency in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2641) is amended by adding at the end the following:

Worldwide Unspecified.	Range Facility.	$68,500,000

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 2404(a)(1) of that Act (123 Stat. 2644) is amended by striking ''$1,048,783,000'' and inserting ''$1,117,283,000''.

(3) PROJECT DESCRIPTION.—In the case of the authorization contained in the amendment made by paragraph (1), the authorized project relates to an Aegis ashore test facility for which funds were made available by title I of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (division E of Public Law 111–117; 123 Stat. 3286) under the heading ''MILITARY CONSTRUCTION, DEFENSE-WIDE''.

(b) PURPOSE OF FORT BRAGG PROJECT.—In the case of the authorization contained in the table relating to the TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642) for Fort Bragg, North Carolina, for construction of a Health Clinic at

the installation, the Secretary of Defense may construct a Behavioral Health clinic that predominantly provides behavioral health specialty care.

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for military construction and land acquisition for chemical demilitarization in the total amount of $124,971,000, as follows:

(1) For the construction of phase 12 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $65,569,000.

(2) For the construction of phase 11 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), and section 2412 of this Act, $59,402,000.

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is amended—

(1) in the item relating to Blue Grass Army Depot, Kentucky, by striking ''$492,000,000'' in the amount column and inserting ''$746,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,203,920,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is further amended by striking ''$469,200,000'' and inserting ''$723,200,000''.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $258,884,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2008 projects.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Arizona	Florence	$16,500,000
Arkansas	Camp Robinson.	$30,000,000
	Fort Chaffee	$21,500,000
California	Camp Roberts.	$19,000,000
Colorado	Colorado Springs.	$20,000,000
	Fort Carson	$40,000,000
	Gypsum	$39,000,000
	Windsor	$7,500,000
Connecticut	Windsor Locks.	$41,000,000
Delaware	New Castle	$27,000,000
Georgia	Cumming	$17,000,000
	Dobbins Air Reserve Base.	$10,400,000
Hawaii	Kalaeloa	$38,000,000
Idaho	Gowen Field	$17,500,000
	Mountain Home.	$6,300,000
Illinois	Springfield	$15,000,000
Kansas	Wichita	$67,000,000
Kentucky	Burlington	$19,500,000
Louisiana	Fort Polk	$5,500,000
	Minden	$28,000,000
Maryland	St. Inigoes	$5,500,000
Massachusetts	Hanscom Air Force Base.	$23,000,000
Michigan	Camp Grayling Range.	$19,000,000
Minnesota	Arden Hills	$29,000,000
	Camp Ripley	$8,750,000
Nebraska	Lincoln	$3,300,000
	Mead	$11,400,000
New Hampshire.	Pembroke	$36,000,000
New Mexico	Farmington	$8,500,000
North Carolina	High Point	$1,551,000
North Dakota	Camp Grafton.	$11,200,000
Rhode Island	East Greenwich.	$27,000,000
South Dakota	Watertown	$25,000,000
Texas	Camp Maxey	$2,500,000
	Camp Swift	$2,600,000
Washington	Tacoma	$25,000,000
West Virginia	Moorefield	$14,200,000
	Morgantown	$21,000,000
Wisconsin	Madison	$5,700,000
Wyoming	Laramie	$14,400,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	$19,000,000
Virgin Islands.	St. Croix	$25,000,000
Puerto Rico	Camp Santiago.	$12,300,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fairfield	$26,000,000
	Fort Hunter Liggett.	$52,000,000
Florida	North Fort Myers.	$13,800,000
	Orlando	$10,200,000
	Tallahasee	$10,400,000
Georgia	Macon	$11,400,000

Army Reserve—Continued

State	Location	Amount
Illinois	Quincy	$12,200,000
Indiana	Michigan City.	$15,500,000
Iowa	Des Moines	$8,175,000
Massachusetts.	Devens Reserve Forces Training Area	$4,700,000
Missouri	Belton	$11,800,000
New Mexico	Las Cruces	$11,400,000
New York	Binghamton	$13,400,000
Texas	Denton	$12,600,000
	Rio Grande	$6,100,000
	San Marcos	$8,500,000
Virginia	Fort A.P. Hill.	$15,500,000
	Fort Story	$11,000,000
	Roanoke	$14,800,000
Wisconsin	Fort McCoy	$19,800,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Marine Corps Base, Twentynine Palms	$5,991,000
Louisiana	New Orleans	$16,281,000
Virginia	Williamsburg.	$21,346,000
Washington	Yakima	$13,844,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Alabama	Montgomery Regional Airport (ANG)	$7,472,000
Arizona	Davis Monthan Air Force Base.	$4,650,000
	Fort Huachuca.	$11,000,000
Delaware	New Castle County Airport.	$1,500,000
Florida	Jacksonville International Airport.	$6,700,000
Georgia	Savannah/Hilton Head International Airport	$7,450,000
Hawaii	Hickam Air Force Base.	$71,450,000
Illinois	Capital Municipal Airport.	$16,700,000
Indiana	Hulman Regional Airport.	$4,100,000
Maryland	Martin State Airport.	$11,400,000
New York	Fort Drum	$2,500,000
	Stewart International Airport.	$14,250,000
North Carolina.	Stanly County Airport.	$2,000,000
Pennsylvania.	State College Air National Guard Station	$4,100,000
Tennessee	Nashville International Airport.	$5,500,000
Texas	Ellington Field.	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve location inside the United States, and in the amount, set forth in the following table:

Air Force Reserve

State	Location	Amount
Florida	Patrick Air Force Base.	$3,420,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, $873,664,000.

(2) For the Department of the Army, for the Army Reserve, $318,175,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $61,557,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, $194,986,000.

(5) For the Department of the Air Force, for the Air Force Reserve, $7,832,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2008 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 503), the authorization set forth in the tables in subsection (b), as provided in section 2601 and 2604 of that Act, shall remain in effect until October 1, 2011, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

Army National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Pennsylvania	East Fallowfield Township	Readiness Center (SBCT)	$ 8,300,000

Air National Guard: Extension of 2008 Project Authorization

State	Installation or Location	Project	Amount
Vermont	Burlington	Base Security Improvements	$ 6,600,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Sec. 2703. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Sec. 2704. Transportation plan for BRAC 133 project under Fort Belvoir, Virginia, BRAC initiative.

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687

note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $360,474,000, as follows:

(1) For the Department of the Army, $73,600,000.

(2) For the Department of the Navy, $162,000,000.

(3) For the Department of the Air Force, $124,874,000.

SEC. 2702. AUTHORIZED BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $2,354,285,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $2,354,285,000.

SEC. 2704. TRANSPORTATION PLAN FOR BRAC 133 PROJECT UNDER FORT BELVOIR, VIRGINIA, BRAC INITIATIVE.

(a) SUBMISSION OF TRANSPORTATION PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a transportation plan for the BRAC 133 project.

(b) TRANSPORTATION PLAN CONDITIONS.—The transportation plan for the BRAC 133 project must address ingress and egress of all personnel to and from the BRAC 133 project site. The transportation plan shall also assess the costs and programming of short-, medium-, and long-term projects, and the use of other methods of transportation, that are necessary to maintain existing level of service, and the proposed funding source to obtain such levels of service, at the following six intersections

(1) The intersection of Beauregard Street and Mark Center Drive.

(2) The intersection of Beauregard Street and Seminary Road.

(3) The intersection of Seminary Road and Mark Center Drive.

(4) The intersection of Seminary Road and the northbound entrance-ramp to I–395.

(5) The intersection of Seminary Road and the northbound exit-ramp from I–395.

(6) The intersection of Seminary Road and the southbound exit-ramp from I–395.

(c) INSPECTOR GENERAL REPORT.—Not later than September 15, 2011, the Inspector General of the Department of Defense shall submit to the congressional defense committees a report evaluating the sufficiency and coordination conducted in completing the requisite environmental studies associated with the site selection of the BRAC 133 project pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The Inspector General shall give specific attention to the transportation determinations associated with the BRAC 133 project and review and provide comment on the transportation plan for the BRAC 133 project and the plan's adherence to the conditions imposed by subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''BRAC 133 project'' refers to the proposed office complex to be developed at an established mixed-use business park in Alexandria, Virginia, to implement recommendation 133 of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term ''level of service'' has the meaning given that term in the most-recent Highway Capacity Manual of the Transportation Research Board.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Availability of military construction information on Internet.
Sec. 2802. Use of Pentagon Reservation Maintenance Revolving Fund for construction or alteration at Pentagon Reservation.
Sec. 2803. Reduced reporting time limits for certain military construction and real property reports when submitted in electronic media.
Sec. 2804. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2805. Sense of Congress and report regarding employment of veterans to work on military construction projects.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Notice-and-wait requirements applicable to real property transactions.
Sec. 2812. Treatment of proceeds generated from leases of non-excess property involving military museums.
Sec. 2813. Limitation on enhanced use leases of non-excess property.
Sec. 2814. Repeal of expired authority to lease land for special operations activities.
Sec. 2815. Former Naval Bombardment Area, Culebra Island, Puerto Rico.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2821. Extension of term of Deputy Secretary of Defense's leadership of Guam Oversight Council.
Sec. 2822. Utility conveyances to support integrated water and wastewater treatment system on Guam.
Sec. 2823. Report on types of facilities required to support Guam realignment.
Sec. 2824. Report on civilian infrastructure needs for Guam.

Subtitle D—Energy Security

Sec. 2831. Consideration of environmentally sustainable practices in Department energy performance plan.
Sec. 2832. Enhancement of energy security activities of the Department of Defense.

Subtitle E—Land Conveyances

Sec. 2841. Land conveyance, Defense Fuel Support Point (DFSP) Whittier, Alaska.
Sec. 2842. Land conveyance, Fort Knox, Kentucky.
Sec. 2843. Land conveyance, Naval Support Activity (West Bank), New Orleans, Louisiana.
Sec. 2844. Land conveyance, former Navy Extremely Low Frequency communications project site, Republic, Michigan.
Sec. 2845. Land conveyance, Marine Forces Reserve Center, Wilmington, North Carolina.

Subtitle F—Other Matters

Sec. 2851. Limitation on availability of funds pending report regarding construction of a new outlying landing field in North Carolina and Virginia.
Sec. 2852. Requirements related to providing world class military medical centers.
Sec. 2853. Report on fuel infrastructure sustainment, restoration, and modernization requirements.
Sec. 2854. Naming of Armed Forces Reserve Center, Middletown, Connecticut.
Sec. 2855. Sense of Congress on proposed extension of the Alaska Railroad corridor across Federal land in Alaska.
Sec. 2856. Sense of Congress on improving military housing for members of the Air Force.
Sec. 2857. Sense of Congress regarding recreational hunting and fishing on military installations.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AVAILABILITY OF MILITARY CONSTRUCTION INFORMATION ON INTERNET.

(a) MODIFICATION OF INFORMATION REQUIRED TO BE PROVIDED.—Paragraph (2) of subsection (c) of section 2851 of title 10, United States Code, is amended—

(1) by striking subparagraph (F); and

(2) by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

(b) EXPANDED AVAILABILITY OF INFORMATION.—Such subsection is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (1), by striking ''that, when activated by a person authorized under paragraph (3), will permit the person'' and inserting ''that will permit a person''; and

(2) in paragraph (3), as redesignated by subsection (b)(2)—

(A) by striking ''to the persons referred to in paragraph (3)'' and inserting ''on the Internet site required by such paragraph''; and

(B) by striking ''to such persons''.

SEC. 2802. USE OF PENTAGON RESERVATION MAINTENANCE REVOLVING FUND FOR CONSTRUCTION OR ALTERATION AT PENTAGON RESERVATION.

Section 2674(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''Monies'' and inserting ''Subject to paragraphs (3) and (4), monies''; and

(2) by adding at the end the following new paragraphs:

''(3) If the cost of a construction or alteration activity proposed to be financed in whole or in part using monies from the Fund

will exceed the limitation specified in section 2805 of this title for a comparable unspecified minor military construction project, the activity shall be subject to authorization as provided by section 2802 of this title before monies from the Fund are obligated for the activity.

''(4) The authority of the Secretary to use monies from the Fund to support construction or alteration activities at the Pentagon Reservation expires on September 30, 2012.''.

SEC. 2803. REDUCED REPORTING TIME LIMITS FOR CERTAIN MILITARY CONSTRUCTION AND REAL PROPERTY REPORTS WHEN SUBMITTED IN ELECTRONIC MEDIA.

(a) CONVEYANCE OF PROPERTY FOR NATURAL RESOURCE CONSERVATION.—Section 2694a(e) of title 10 United States Code, is amended by inserting before the period at the end the following: ''or, if earlier, a period of 14 days has elapsed from the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title''.

(b) NATO SECURITY INVESTMENT CONTRIBUTIONS.—Section 2806(c)(2)(B) of such title is amended by inserting before the period at the end the following: ''or, if earlier, a period of 14 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title''.

(c) FORD ISLAND DEVELOPMENT.—Section 2814(g)(2) of such title is amended by inserting before the period at the end the following: ''or, if earlier, a period of 20 days has elapsed from the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title''.

(d) LEASING OF MILITARY FAMILY HOUSING.—Section 2828(f)(2) of such title is amended by inserting before the period at the end the following: ''or, if earlier, a period of 14 days has elapsed from the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title''.

(e) LEASING OF MILITARY FAMILY HOUSING TO BE CONSTRUCTED.—Section 2835(g)(2) of such title is amended—

(1) by striking ''calendar''; and

(2) by inserting before the period at the end the following: ''or, if earlier, a period of 14 days has elapsed from the date on which a copy of the analysis is provided in an electronic medium pursuant to section 480 of this title''.

(f) ACQUISITION OR CONSTRUCTION OF MILITARY UNACCOMPANIED HOUSING.—Section 2881a(e)(2) of such title is amended by inserting before the period at the end the following: ''or, if earlier, a period of 20 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title''.

(g) USE OF MILITARY CONSTRUCTION ALTERNATIVE AUTHORITY.—Section 2884(a)(4) of such title is amended by inserting before the period at the end the following: ''or, if earlier, a period of 20 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title''.

SEC. 2804. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) INCLUSION OF AREA FORMERLY WITHIN UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by subsections (a) and (b) of section 2806 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2662), is amended by striking ''United States Central Command area of responsibility'' and inserting ''area of responsibility of the United States Central Command or the area of responsibility and area of interest of Combined Task Force-Horn of Africa''.

(b) ANNUAL LIMITATION ON USE OF AUTHORITY IN AFGHANISTAN.—Subsection (c)(2) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2806(c) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2663), is amended—

(1) by striking ''$300,000,000 in funds available for operation and maintenance for fiscal year 2010 may be used in Afghanistan upon completing the prenotification requirements under subsection (b)'' and inserting ''$100,000,000 in funds available for operation and maintenance for fiscal year 2011 may be used in Afghanistan subject to the notification requirements under subsection (b)''; and

(2) by striking ''$500,000,000'' and inserting ''$300,000,000''.

(c) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (h) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as added by section 2806(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2662), is amended—

(1) in paragraph (1), by striking ''September 30, 2010'' and inserting ''September 30, 2011''; and

(2) in paragraph (2), by striking ''fiscal year 2011'' and inserting ''fiscal year 2012''.

(d) DEFINITION.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended by adding at the end the following new subsection:

''(i) DEFINITIONS.—In this section:

''(1) The term 'area of responsibility', with respect to the Combined Task Force-Horn of Africa, is Kenya, Somalia, Ethiopia, Sudan, Eritrea, Djibouti, and Seychelles.

''(2) The term 'area of interest', with respect to the Combined Task Force-Horn of Africa, is Yemen, Tanzania, Mauritius, Madagascar, Mozambique, Burundi, Rwanda, Comoros, Chad, the Democratic Republic of Congo, and Uganda.''.

SEC. 2805. SENSE OF CONGRESS AND REPORT REGARDING EMPLOYMENT OF VETERANS TO WORK ON MILITARY CONSTRUCTION PROJECTS.

(a) SENSE OF CONGRESS.—It is 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.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes at a minimum the following:

(A) An assessment of the number of unemployed apprentices, who are also veterans, with data presented by appropriate age groupings.

(B) An evaluation of benefits to be derived from establishing a program to employ apprentices, who are also veterans, in military construction projects, including the impacts of the program on the following:

(i) Workforce sustainability.

(ii) Workforce skills enhancement.

(iii) Short- and long-term cost-effectiveness.

(iv) Improved veteran employment in sustainable wage fields.

(C) Any challenges, difficulties, or problems projected in recruiting apprentices, who are also veterans.

(2) CONSULTATION.—The Secretary of Defense shall prepare the report in consultation with the Secretary of Labor and the Secretary of Veterans Affairs.

(c) DEFINITIONS.—In this section:

(1) The term ''apprentice'' means an individual who is employed pursuant to, and individually registered in, a qualified apprenticeship program.

(2) The term ''qualified apprenticeship program'' means an apprenticeship or other training program that qualifies as an employee welfare benefit plan, as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(3) The term ''veteran'' has the meaning given such term in section 101(2) of title 38, United States Code.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. NOTICE-AND-WAIT REQUIREMENTS APPLICABLE TO REAL PROPERTY TRANSACTIONS.

(a) EXCEPTION FOR LEASES UNDER BASE CLOSURE PROCESS.—Subsection (a)(1)(C) of section 2662 of title 10, United States Code, is amended by inserting after ''United States'' the following: ''(other than a lease or license entered into under section 2667(g) of this title)''.

(b) REPEAL OF ANNUAL REPORT ON MINOR REAL ESTATE TRANSACTIONS.—Subsection (b) of such section is repealed.

(c) GEOGRAPHIC SCOPE OF REQUIREMENTS.—Subsection (c) of such section is amended—

(1) by striking ''GEOGRAPHIC SCOPE; EXCEPTED'' and inserting ''EXCEPTED'';

(2) by striking the first sentence; and

(3) by striking ''It does not'' and inserting ''This section does not''.

(d) REPEAL OF NOTICE AND WAIT REQUIREMENT REGARDING GSA LEASES OF SPACE FOR DOD.—Subsection (e) of such section is repealed.

(e) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—Such section is further amended by inserting after subsection (a) the following new subsection:

''(b) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY THE UNITED STATES.—(1) In the case of a proposed lease or license of real property owned by the United States covered by paragraph (1)(C) of subsection (a), the Secretary concerned shall comply with the notice-and-wait requirements of paragraph (3) of such subsection before—

''(A) issuing a contract solicitation or other lease offering with regard to the transaction; and

''(B) providing public notice regarding any meeting to discuss a proposed contract solicitation with regard to the transaction.

''(2) The report under paragraph (3) of subsection (a) shall include the following with regard to a proposed transaction covered by paragraph (1)(C) of such subsection:

''(A) A description of the proposed transaction, including the proposed duration of the lease or license.

''(B) A description of the authorities to be used in entering into the transaction.

''(C) A statement of the scored cost of the entire transaction, determined using the scoring criteria of the Office of Management and Budget.

''(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

''(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated

long-term use of the property at the conclusion of the lease or license.

''(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the person making the offer to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

''(G) If the proposed lease involves a project related to energy production, a certification by the Secretary of Defense that the project, as it will be specified in the contract solicitation or other lease offering, is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.

''(3) The Secretary concerned may not enter into the actual lease or license with respect to property for which the information required by paragraph (2) was submitted in a report under subsection (a)(3) unless the Secretary again complies with the notice-and-wait requirements of such subsection. The subsequent report shall include the following with regard to the proposed transaction:

''(A) A cross reference to the prior report that contained the information submitted under paragraph (2) with respect to the transaction.

''(B) A description of the differences between the information submitted under paragraph (2) and the information regarding the transaction being submitted in the subsequent report.

''(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.

''(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

''(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.''.

(f) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the Secretary submits'' in the matter preceding subparagraph (A) and inserting ''the Secretary concerned submits''; and

(B) in paragraph (3), by striking ''the Secretary of a military department or the Secretary of Defense'' and inserting ''the Secretary concerned'';

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(3) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking '', and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,'';

(B) in paragraph (3), by striking ''or (e), as the case may be''; and

(C) by striking paragraph (4); and

(4) by adding at the end the following new subsection:

''(g) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' includes, with respect to Defense Agencies, the Secretary of Defense.''.

(g) CONFORMING AMENDMENTS TO LEASE OF NON-EXCESS PROPERTY AUTHORITY.—Section 2667 of such title is amended—

(1) in subsection (c), by striking paragraph (4);

(2) in subsection (d), by striking paragraph (6);

(3) in subsection (e)(1), by striking subparagraph (E); and

(4) in subsection (h)—

(A) by striking paragraphs (3) and (5); and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2812. TREATMENT OF PROCEEDS GENERATED FROM LEASES OF NON-EXCESS PROPERTY INVOLVING MILITARY MUSEUMS.

Section 2667(e)(1) of title 10, United States Code, as amended by section 2811(g), is amended by inserting after subparagraph (D) the following new subparagraph (E):

''(E) If the proceeds deposited in the special account established for the Secretary concerned are derived from activities associated with a military museum described in section 489(a) of this title, the proceeds shall be available for activities described in subparagraph (C) only at that museum.''.

SEC. 2813. LIMITATION ON ENHANCED USE LEASES OF NON-EXCESS PROPERTY.

(a) IN GENERAL.—Section 2667(b)(7) of title 10, United States Code, is amended by striking the period at the end and inserting '', or otherwise commit the Secretary concerned or the Department of Defense to annual payments in excess of such amount.''.

(b) ARMED FORCES RETIREMENT HOME.—Section 1511(i)(2) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(i)(2)) is amended—

(1) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) may not provide for a leaseback by the Retirement Home with an annual payment in excess of $100,000, or otherwise commit the Retirement Home or the Department of Defense to annual payments in excess of such amount.''.

SEC. 2814. REPEAL OF EXPIRED AUTHORITY TO LEASE LAND FOR SPECIAL OPERATIONS ACTIVITIES.

(a) REPEAL.—Section 2680 of title 10, United States Code, is repealed.

(b) EFFECT OF REPEAL.—The amendment made by subsection (a) shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 159 of such title is amended by striking the item relating to section 2680.

SEC. 2815. FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.

(a) STUDY REQUIRED.—At the request of the Commonwealth of Puerto Rico, the Secretary of Defense shall conduct a study relating to the presence of unexploded ordnance in a portion of the former bombardment area at Culebra Island, Puerto Rico, transferred to the Commonwealth of Puerto Rico by quitclaim deed. The Secretary shall complete the study within 270 days after receiving the request from the Commonwealth.

(b) CONTENTS OF STUDY.—The study shall include a specific assessment of Flamenco Beach located within the former bombardment area and shall include the following elements for each area:

(1) An estimate of the type and amount of unexploded ordnance.

(2) An estimate of the cost of removing unexploded ordnance.

(3) An examination of the impact of such removal on any endangered or threatened species and their habitat.

(4) An examination of current public access to the former bombardment area.

(5) An examination of any threats to public health or safety and the environment from unexploded ordnance.

(c) CONSULTATION WITH COMMONWEALTH.—In conducting the study, the Secretary of Defense shall consult with the Commonwealth of Puerto Rico regarding the Commonwealth's planned future uses of the former bombardment area. The Secretary shall consider the Commonwealth's planned future uses in developing any conclusions or recommendations the Secretary may include in the study.

(d) DEFINITIONS.—In this section:

(1) The term ''quitclaim deed'' refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term ''unexploded ordnance'' has the meaning given that term by section 101(e)(5) of title 10, United States Code.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2821. EXTENSION OF TERM OF DEPUTY SECRETARY OF DEFENSE'S LEADERSHIP OF GUAM OVERSIGHT COUNCIL.

Subsection (d) of section 132 of title 10, United States Code, as added by section 2831(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2669), is amended by striking ''September 30, 2015'' and inserting ''September 30, 2020''.

SEC. 2822. UTILITY CONVEYANCES TO SUPPORT INTEGRATED WATER AND WASTEWATER TREATMENT SYSTEM ON GUAM.

(a) CONVEYANCE OF UTILITIES.—The Secretary of Defense may convey to the Guam Waterworks Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to the water and wastewater treatment utility systems on Guam, including the Fena Reservoir, for the purpose of establishing an integrated water and wastewater treatment system on Guam.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance of the water and wastewater treatment utility systems on Guam, the Authority shall pay to the Secretary of Defense an amount equal to the fair market value of the utility infrastructure to be conveyed, as determined pursuant to an agreement between the Secretary and the Authority.

(2) DEFERRED PAYMENTS.—At the discretion of the Authority, the Authority may elect to pay the consideration determined under paragraph (1) in equal annual payments over a period of not more than 25 years, starting with the first year beginning after the date of the conveyance of the water and wastewater treatment utility systems to the Authority.

(3) ACCEPTANCE OF IN-KIND SERVICES.—The consideration required by paragraph (1) may be paid in cash or in-kind, as acceptable to the Secretary of Defense. The Secretary of Defense, in consultation with the Secretary of the Interior, shall consider the value of in-kind services provided by the Government of Guam pursuant to section 311 of the Compact of Free Association between the Government of the United States and the Government of the Federated States of Micronesia, approved by Congress in the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 117 Stat. 2781), section 311 of the Compact of Free Association between the Government of the United States and the Government of the Republic of the Marshall Islands, approved by Congress in such Act, and the Compact of Free Association between the Government of the United States and the Government of the Republic of

Palau, approved by Congress in the Palau Compact of Free Association Act (Public Law 99–658; 100 Stat. 3672).

(c) CONDITION OF CONVEYANCE.—As a condition of the conveyance under subsection (a), the Secretary of Defense must obtain at least a 33 percent voting representation on the Guam Consolidated Commission on Utilities, including a proportional representation as chairperson of the Commission.

(d) IMPLEMENTATION REPORT.—

(1) REPORT REQUIRED.—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall submit to the congressional defense committees a report containing—

(A) a description of the actions needed to efficiently convey the water and wastewater treatment utility systems to the Authority; and

(B) an estimate of the cost of the conveyance.

(2) SUBMISSION.—The Secretary shall submit the report not later than 30 days after the date on which the Secretary makes the determination triggering the report requirement.

(e) NEW WATER SYSTEMS.—If the Secretary of Defense determines to use the authority provided by subsection (a) to convey the water and wastewater treatment utility systems to the Authority, the Secretary shall also enter into an agreement with the Authority, under which the Authority will manage and operate any water well or wastewater treatment plant that is constructed by the Secretary of a military department on Guam on or after the date of the enactment of this Act.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Defense may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(g) TECHNICAL ASSISTANCE.—

(1) ASSISTANCE AUTHORIZED; REIMBURSEMENT.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may provide technical assistance to the Secretary of Defense and the Authority regarding the development of plans for the design, construction, operation, and maintenance of integrated water and wastewater treatment utility systems on Guam.

(2) CONTRACTING AUTHORITY; CONDITION.—The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, may enter into memoranda of understanding, cooperative agreements, and other agreements with the Secretary of Defense to provide technical assistance as described in paragraph (1) under such terms and conditions as the Secretary of the Interior and the Secretary of Defense consider appropriate, except that costs incurred by the Secretary of the Interior to provide technical assistance under paragraph (1) shall be covered by the Secretary of Defense.

(3) REPORT AND OTHER ASSISTANCE.—Not later than one year after date of the enactment of this Act, the Secretary of the Interior and the Secretary of Defense shall submit 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 a report detailing the following:

(A) Any technical assistance provided under paragraph (1) and information pertaining to any memoranda of understanding, cooperative agreements, and other agreements entered into pursuant to paragraph (2).

(B) An assessment of water and wastewater systems on Guam, including cost estimates and budget authority, including authorities available under the Acts of June 17, 1902, and June 12, 1906 (popularly known as the Reclamation Act; 43 U.S.C. 391) and other authority available to the Secretary of the Interior, for financing the design, construction, operation, and maintenance of such systems.

(C) The needs related to water and wastewater infrastructure on Guam and the protection of water resources on Guam identified by the Authority.

SEC. 2823. REPORT ON TYPES OF FACILITIES REQUIRED TO SUPPORT GUAM REALIGNMENT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report on the structural integrity of facilities required to support the realignment of military installations and the relocation of military personnel on Guam.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall contain the following elements:

(1) A threat assessment to the realigned forces, including natural and manmade threats.

(2) An evaluation of the types of facilities and the enhanced structural requirements required to deter the threat assessment specified in paragraph (1).

(3) An assessment of the costs associated with the enhanced structural requirements specified in paragraph (2).

SEC. 2824. REPORT ON CIVILIAN INFRASTRUCTURE NEEDS FOR GUAM.

(a) REPORT REQUIRED.—The Secretary of the Interior shall prepare a report—

(1) detailing the civilian infrastructure improvements needed on Guam to directly and indirectly support and sustain the realignment of military installations and the relocation of military personnel on Guam; and

(2) identifying, to the maximum extent practical, the potential funding sources for such improvements from other Federal departments and agencies and from existing authorities and funds within the Department of Defense.

(b) CONSULTATION.—The Secretary of the Interior shall prepare the report required by subsection (a) in consultation with the Secretary of Defense, the Government of Guam, and the Interagency Group on the Insular Areas established by Executive Order No. 13537.

(c) SUBMISSION.—The Secretary of the Interior shall submit the report required by subsection (a) to the congressional defense committees and the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act.

Subtitle D—Energy Security

SEC. 2831. CONSIDERATION OF ENVIRONMENTALLY SUSTAINABLE PRACTICES IN DEPARTMENT ENERGY PERFORMANCE PLAN.

Section 2911(c) of title 10, United States Code, is amended—

(1) in paragraph (4), by inserting ''and hybrid-electric drive'' after ''alternative fuels'';

(2) by redesignating paragraph (9) as paragraph (11);

(3) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(4) by inserting after paragraph (4) the following new paragraph:

''(5) Opportunities for the high-performance construction, lease, operation, and maintenance of buildings.''; and

(5) by inserting after paragraph (9) (as redesignated by paragraph (3)) the following new paragraph:

''(10) The value of incorporating electric, hybrid-electric, and high efficiency vehicles into vehicle fleets.''.

SEC. 2832. ENHANCEMENT OF ENERGY SECURITY ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) ENERGY PERFORMANCE MASTER PLAN.—

(1) ENHANCEMENT OF ENERGY PERFORMANCE PLAN TO MASTER PLAN.—Subsection (b) of section 2911 of title 10, United States Code, is amended to read as follows:

''(b) ENERGY PERFORMANCE MASTER PLAN.—(1) The Secretary of Defense shall develop a comprehensive master plan for the achievement of the energy performance goals of the Department of Defense, as set forth in laws, executive orders, and Department of Defense policies.

''(2) The master plan shall include the following:

''(A) A separate master plan, developed by each military department and Defense Agency, for the achievement of energy performance goals.

''(B) The use of a baseline standard for the measurement of energy consumption by transportation systems, support systems, utilities, and facilities and infrastructure that is consistent for all of the military departments.

''(C) A method of measurement of reductions or conservation in energy consumption that provides for the taking into account of changes in the current size of fleets, number of facilities, and overall square footage of facility plants.

''(D) Metrics to track annual progress in meeting energy performance goals.

''(E) A description of specific requirements, and proposed investments, in connection with the achievement of energy performance goals reflected in the budget of the President for each fiscal year (as submitted to Congress under section 1105(a) of title 31).

''(3) Not later than 30 days after the date on which the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, the Secretary shall submit the current version of the master plan to Congress.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended by striking ''plan'' each place it appears and inserting ''master plan''.

(3) SECTION HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2911. Energy performance goals and master plan for the Department of Defense''.

(b) EXPANSION OF FACILITIES FOR WHICH USE OF RENEWABLE ENERGY AND ENERGY EFFICIENT PRODUCTS IS REQUIRED.—

(1) RENEWABLE ENERGY.—Subsection (a) of section 2915 of title 10, United States Code, is amended—

(A) by inserting ''and facility repairs and renovations'' after ''military family housing projects)''; and

(B) by striking ''energy performance plan'' and inserting ''energy performance master plan''.

(2) CONSIDERATION IN DESIGN.—Subsection (b)(1) of such section is amended by striking ''the design'' and all that follows and inserting the following: ''the design for the construction, repair, or renovation of facilities (including family housing and back-up power generation facilities) requires consideration of energy systems using solar energy or other renewable forms of energy when use of a renewable form of energy—

''(A) is consistent with the energy performance goals and energy performance master plan for the Department of Defense developed under section 2911 of this title; and

''(B) supported by the special considerations specified in subsection (c) of such section.''.

(3) ENERGY EFFICIENT PRODUCTS.—Subsection (e) of such section is amended—

(A) by striking the heading and inserting the following: ''USE OF ENERGY EFFICIENT PRODUCTS IN FACILITIES.—'';

(B) in paragraph (1)—

(i) by striking ''new facility construction'' and inserting ''construction, repair, or renovation of facilities''; and

(ii) by striking ''energy performance plan'' and inserting ''energy performance master plan'';

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following new paragraph (2):

''(2) For purposes of this subsection, energy efficient products may include, at a minimum, the following technologies, consistent with the products specified in paragraph (3):

''(A) Roof-top solar thermal, photovoltaic, and energy reducing coating technologies.

''(B) Energy management control and supervisory control and data acquisition systems.

''(C) Energy efficient heating, ventilation, and air conditioning systems.

''(D) Thermal windows and insulation systems.

''(E) Electric meters.

''(F) Lighting, equipment, and appliances that are designed to use less electricity.

''(G) Hybrid vehicle plug-in charging stations.

''(H) Solar-power collecting structures to shade vehicle parking areas.

''(I) Wall and roof insulation systems and air infiltration-mitigation systems, such as weatherproofing.''.

(4) SECTION HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 2915. Facilities: use of renewable forms of energy and energy efficient products''.

(c) OTHER AMENDMENTS.—

(1) CONFORMING AMENDMENT.—Section 2925(a) of title 10, United States Code, is amended by striking ''energy performance plan'' each place it appears and inserting ''energy performance master plan''.

(2) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended—

(A) by striking the item relating to section 2911 and inserting the following new item:

''2911. Energy performance goals and master plan for the Department of Defense.''; and

(B) by striking the item relating to section 2915 and inserting the following new item:

''2915. Facilities: use of renewable forms of energy and energy efficient products.''.

Subtitle E—Land Conveyances

SEC. 2841. LAND CONVEYANCE, DEFENSE FUEL SUPPORT POINT (DFSP) WHITTIER, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army or the Secretary of the Air Force may convey to the City of Whittier, Alaska (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 62 acres, located at the Defense Fuel Support Point (DFSP) Whittier, Alaska, that the Secretary making the conveyance considers appropriate in the public interest.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary conveying the property an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary. The Secretary's determination shall be final. In lieu of all or a portion of cash payment of consideration, the Secretary may accept in-kind consideration, including environmental remediation for the property conveyed.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary conveying property under subsection (a) shall require the City to reimburse the Secretary to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City of Whittier.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States as consideration for the conveyance under subsection (a) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B) of such subsection.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcel of real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Interior.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary making the conveyance under subsection (a) may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2842. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the ''Department'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 194 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State veterans home and future expansion of the adjacent State veterans cemetery for veterans and eligible family members of the Armed Forces.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OR COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph does not apply to costs associated with the environment al remediation of the property to be conveyed.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, NAVAL SUPPORT ACTIVITY (WEST BANK), NEW ORLEANS, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—Except as provided in subsection (b), the Secretary of the Navy may convey to the Algiers Development District all right, title, and interest of the United States in and to the real property comprising the Naval Support Activity (West Bank), New Orleans, Louisiana, including—

(1) any improvements and facilities on the real property; and

(2) available personal property on the real property.

(b) CERTAIN PROPERTY EXCLUDED.—The conveyance under subsection (a) may not include—

(1) the approximately 29-acre area known as the Secured Area of the real property described in such subsection, which shall remain subject to the Lease; and

(2) the Quarters A site, which is located at Sanctuary Drive, as determined by a survey satisfactory to the Secretary of the Navy.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(d) TIMING.—The authority provided in subsection (a) may only be exercised after—

(1) the Secretary of the Navy determines that the property described in subsection (a) is no longer needed by the Department of the Navy; and

(2) the Algiers Development District delivers the full consideration as required by Article 3 of the Lease.

(e) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall include a condition that expressly prohibits any use of the property that would interfere or otherwise restrict operations of the Department of the Navy in the Secured Area referred to in subsection (b), as determined by the Secretary of the Navy.

(f) SUBSEQUENT CONVEYANCE OF SECURED AREA.—If at any time the Secretary of the

Navy determines and notifies the Algiers Development District that there is no longer a continuing requirement to occupy or otherwise control the Secured Area referred to in subsection (b) to support the mission of the Marine Forces Reserve or other comparable Marine Corps use, the Secretary may convey to the Algiers Development District the Secured Area and the any improvements situated thereon.

(g) SUBSEQUENT CONVEYANCE OF QUARTERS A.—If at any time the Secretary of the Navy determines that the Department of the Navy no longer has a continuing requirement for general officers quarters to be located on the Quarters A site referred to in subsection (b) or the Department of the Navy elects or offers to transfer, sell, lease, assign, gift or otherwise convey any or all of the Quarters A site or any improvements thereon to any third party, the Secretary may convey to the Algiers Development District the real property containing the Quarters A site.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance of property under this section, consistent with the Lease, as the Secretary considers appropriate to protect the interest of the United States.

(i) DEFINITIONS.—In this section:

(1) The term ''Algiers Development District'' means the Algiers Development District, a local political subdivision of the State of Louisiana.

(2) The term ''Lease'' means that certain Real Estate Lease for Naval Support Activity New Orleans, West Bank, New Orleans, Louisiana, Lease No. N47692–08–RP–08P30, by and between the United States, acting by and through the Department of the Navy, and the Algiers Development District dated September 30, 2008.

SEC. 2844. LAND CONVEYANCE, FORMER NAVY EXTREMELY LOW FREQUENCY COMMUNICATIONS PROJECT SITE, REPUBLIC, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to Humboldt Township in Marquette County, Michigan, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, in Republic, Michigan, consisting of approximately seven acres and formerly used as an Extremely Low Frequency communications project site, for the purpose of permitting the Township to use the property for public benefit.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. LAND CONVEYANCE, MARINE FORCES RESERVE CENTER, WILMINGTON, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the North Carolina State Port Authority of Wilmington, North Carolina (in this section referred to as the ''Port Authority''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 3.03 acres and known as the Marine Forces Reserve Center in Wilmington, North Carolina, for the purpose of permitting the Port Authority to use the parcel for development of a port facility and for other public purposes.

(b) INCLUSION OF PERSONAL PROPERTY.—The Secretary of the Navy may include as part of the conveyance under subsection (a) personal property of the Navy at the Marine Forces Reserve Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Navy agrees is excess to the needs of the Navy.

(c) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary of the Navy may lease the property to the Port Authority.

(d) CONSIDERATION.—

(1) CONVEYANCE.—The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Navy determines that the Port Authority satisfies the criteria specified in section 554 of title 40, United States Code, and regulations prescribed to implement such section. If the Secretary determines that the Port Authority fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port Authority shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary.

(2) LEASE.—The Secretary of the Navy may accept as consideration for a lease of the property under subsection (c) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy and the Port Authority. The cost of such survey shall be borne by the Port Authority.

(f) ADDITIONAL TERMS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2851. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING CONSTRUCTION OF A NEW OUTLYING LANDING FIELD IN NORTH CAROLINA AND VIRGINIA.

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

(1) The Navy has studied the feasibility and potential locations of a new outlying landing field on the East Coast since 2001.

(2) Since January 2008, the Navy has studied five potential sites in North Carolina and Virginia, whose communities have expressed opposition. Some local governments where the sites under consideration are located have taken formal action in opposition by resolution or correspondence to the Navy and congressional officials.

(b) LIMITATION ON FUNDS PENDING REPORT.—

(1) IN GENERAL.—The Secretary of the Navy may not obligate or expend funds for the study or development of a new outlying landing field in North Carolina or Virginia after fiscal year 2011 until the Secretary has provided the congressional defense committees a report on the Navy's efforts with respect to the outlying landing field.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following:

(A) A description of the actual training requirements and completed training events involving Fleet Carrier Landing Practice operations at Naval Air Station Oceana and Naval Auxiliary Landing Field Fentress for the previous 10 years, to include statistics for the current fiscal year.

(B) An assessment of the aviation training requirements and completed aviation training events conducted on all existing Navy outlying landing fields and installations located in North Carolina and Virginia, to include statistics for the current fiscal year.

(C) An assessment of the suitability of all Naval installations in North Carolina and Virginia to conduct Fleet Carrier Landing Practice operations, including necessary facility modifications and requirements to deconflict with current operations at each installation.

(D) A description of the estimated funding necessary to construct a new outlying landing field at each of the five sites under current consideration, and a cost comparison analysis between construction of a new outlying landing field versus use of an existing facility.

(E) A description of all completed or pending environmental studies conducted on any of the five sites currently under consideration, including the methodology, conclusions, and recommendations.

(F) Criteria for the basing of the Joint Strike Fighter F-35 aircraft and a description of the outlying landing field facilities that will be required to support its training requirements.

SEC. 2852. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL CENTERS.

(a) UNIFIED CONSTRUCTION STANDARD FOR MILITARY CONSTRUCTION AND REPAIRS TO MILITARY MEDICAL CENTERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a unified construction standard for military construction and repairs for military medical centers that provides a single standard of care. This standard shall also include—

(1) size standards for operating rooms and patient recovery rooms; and

(2) such other construction standards that the Secretary considers necessary to support military medical centers.

(b) INDEPENDENT REVIEW PANEL.—

(1) ESTABLISHMENT; PURPOSE.—The Secretary of Defense shall establish an independent advisory panel for the purpose of—

(A) reviewing the unified construction standards established pursuant to subsection (a) to determine the standards consistency with industry practices and benchmarks for world class medical construction;

(B) reviewing ongoing construction programs within the Department of Defense to ensure medical construction standards are uniformly applied across applicable military medical centers;

(C) assessing the approach of the Department of Defense approach to planning and programming facility improvements with specific emphasis on—

(i) facility selection criteria and proportional assessment system; and

(ii) facility programming responsibilities between the Assistant Secretary of Defense for Health Affairs and the Secretaries of the military departments;

(D) assessing whether the Comprehensive Master Plan for the National Capital Region Medical, dated April 2010, is adequate to fulfill statutory requirements, as required by section 2714 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2656), to ensure that the facilities and organizational structure described in the plan result in world class military medical centers in the National Capital Region; and

(E) making recommendations regarding any adjustments of the master plan referred to in subparagraph (D) that are needed to ensure the provision of world class military medical centers and delivery system in the National Capital Region.

(2) MEMBERS.—

(A) APPOINTMENTS BY SECRETARY.—The panel shall be composed of such members as determined by the Secretary of Defense, except that the Secretary shall include as members—

(i) medical facility design experts;

(ii) military healthcare professionals;

(iii) representatives of premier health care centers in the United States; and

(iv) former retired senior military officers with joint operational and budgetary experience.

(B) CONGRESSIONAL APPOINTMENTS.—The chairmen and ranking members of the Committees on the Armed Services of the Senate and House of Representatives may each designate one member of the panel.

(C) TERM.—Members of the panel may serve on the panel until the termination date specified in paragraph (7).

(D) COMPENSATION.—While performing duties on behalf of the panel, a member and any adviser referred to in paragraph (4) shall be reimbursed under Government travel regulations for necessary travel expenses.

(3) MEETINGS.—The panel shall meet not less than quarterly. The panel or its members may make other visits to military treatment centers and military headquarters in connection with the duties of the panel.

(4) STAFF AND ADVISORS.—The Secretary of Defense shall provide necessary administrative staff support to the panel. The panel may call in advisers for consultation.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 120 days after the first meeting of the panel, the panel shall submit to the Secretary of Defense a written report containing—

(i) an assessment of the adequacy of the plan of the Department of Defense to address the items specified in subparagraphs (A) through (E) of paragraph (1) relating to the purposes of the panel; and

(ii) the recommendations of the panel to improve the plan.

(B) ADDITIONAL REPORTS.—Not later than February 1, 2011, and each February 1 thereafter until termination of the panel, the panel shall submit to the Secretary of Defense a report on the findings and recommendations of the panel to address any deficiencies identified by the panel.

(6) ASSESSMENT OF RECOMMENDATIONS.—Not later than 30 days after the date of the submission of each report under paragraph (5), the Secretary of Defense shall submit to the congressional defense committees a report including—

(A) a copy of the panel's assessment;

(B) an assessment by the Secretary of the findings and recommendations of the panel; and

(C) the plans of the Secretary for addressing such findings and recommendations.

(7) TERMINATION.—The panel shall terminate on September 30, 2015.

(c) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term ''National Capital Region'' has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL CENTER.—The term ''world class military medical center'' has the meaning given the term ''world class military medical facility'' by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report titled ''Achieving World Class—An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital'' and published in May 2009, as required by section 2721 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4716).

SEC. 2853. REPORT ON FUEL INFRASTRUCTURE SUSTAINMENT, RESTORATION, AND MODERNIZATION REQUIREMENTS.

Not later than 270 days after the date of the enactment of this Act, the Director of the Defense Logistics Agency shall submit to the congressional defense committees a report on the fuel infrastructure of the Department of Defense. The report shall include the following:

(1) Fiscal projections for fuel infrastructure sustainment, restoration, and modernization requirements to fully meet Department of Defense sustainment models and industry recapitalization practices.

(2) An assessment of the risk associated with not providing adequate funding to support such fuel infrastructure sustainment, restoration, and modernization requirements.

(3) An assessment of fuel infrastructure real property deficiencies impacting the ability of the Defense Logistics Agency to fully support mission requirements.

(4) An assessment of environmental liabilities associated with current fueling operations.

(5) A list of real property previously used to support fuel infrastructure and an assessment of the environmental liabilities associated with such real property and whether any of such real property can be declared excess to the needs of the Department of Defense.

(6) An assessment of the real property demarcation between the Secretaries of the military departments and the Defense Logistics Agency.

SEC. 2854. NAMING OF ARMED FORCES RESERVE CENTER, MIDDLETOWN, CONNECTICUT.

The newly constructed Armed Forces Reserve Center in Middletown, Connecticut, shall be known and designated as the ''Major General Maurice Rose Armed Forces Reserve Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to such Armed Forces Reserve Center shall be deemed to be a reference to the Major General Maurice Rose Armed Forces Reserve Center.

SEC. 2855. SENSE OF CONGRESS ON PROPOSED EXTENSION OF THE ALASKA RAILROAD CORRIDOR ACROSS FEDERAL LAND IN ALASKA.

(a) FINDING.—Congress finds that the Alaska Railroad proposes the extension of its railroad corridor over approximately 950 acres of land located south and east of North Pole, Alaska, including lands located near or adjacent to the Chena River spillway, Eielson Air Force Base, Tanana Flats Training Area (Fort Wainwright), Donnelly Training Area (Fort Wainwright), and Fort Greely.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of the Army and the Department of the Air Force should explore means of accommodating the railroad corridor expansion referred to in subsection (a) using existing authorities that will not adversely impact military missions, operations, and training.

SEC. 2856. SENSE OF CONGRESS ON IMPROVING MILITARY HOUSING FOR MEMBERS OF THE AIR FORCE.

(a) FINDING.—Congress makes the following findings:

(1) In the mid-1990s, the Department of Defense became concerned that inadequate and poor quality housing for members of the Armed Forces was adversely affecting the quality of life for members and their families and adversely affecting military readiness by contributing to decisions by members to leave the Armed Forces.

(2) At that time, the Department of Defense designated about 180,000 houses, or nearly two-thirds of its domestic family housing inventory, as inadequate and needing repair or complete replacement.

(3) The Department of Defense believed that it would need about $20,000,000,000 in appropriated funds and would take up to 40 years to eliminate poor quality military housing through new construction or renovation using its traditional military construction approach.

(4) In 1996, Congress enacted the Military Housing Privatization Initiative to provide the Department of Defense with a variety of authorities to obtain private sector financing and management for the repair, renovation, construction, and management of military family housing.

(5) The Air Force has used the Military Housing Privatization Initiative to award 27 projects at 44 military bases to improve over 37,000 homes.

(6) The Air Force has received $7,100,000,000 in total development investment from the private sector for new housing with a taxpayer contribution of approximately $425,000,000, representing a 15 to 1 leveraging of taxpayer dollars.

(7) The Air Force, like the other military services, has been able to leverage varying conditions of housing at military bases into fiscally viable projects by packaging housing inventories at multiple bases into a single transaction.

(8) Congress has approved transactions involving the packaging of multiple bases as a critical tool to maximize the efficient use of taxpayer funds.

(9) Congress supports the goal of the Air Force to complete transactions for the repair, renovation, construction, and management of 100 percent of their military family housing inventory in the United States by December 31, 2012.

(10) The Air Force currently has 6 project solicitations prepared for open competition at 22 Air Force installations to improve over 15,000 homes.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Air Force should use existing authority to carry out solicitations for the 6 military housing projects involving the packaging of 22 bases consistent with the goal of improving 15,000 homes for Air Force personnel and their families by December 31, 2012.

SEC. 2857. SENSE OF CONGRESS REGARDING RECREATIONAL HUNTING AND FISHING ON MILITARY INSTALLATIONS.

It is the sense of the Congress that—

(1) military installations that permit public access for recreational hunting and fishing should continue to permit such hunting and fishing where appropriate;

(2) permitting the public to access military installations for recreational hunting and fishing benefits local communities by conserving and promoting the outdoors and establishing positive relations between the civilian and defense sectors;

(3) any military installations that make recreational hunting and fishing permits available for purchase should provide a discounted rate for active and retired members of the Armed Forces and veterans with disabilities; and

(4) the Department of Defense, all of the service branches, and military installations that permit public access for recreational hunting and fishing should promote access to such installations by making the appropriate accommodations for members of the Armed Forces and veterans with disabilities.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Air Force construction and land acquisition project.

Sec. 2903. Authorized Defense Wide Construction and Land Acquisition Projects and Authorization of Appropriations.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$270,000,000
	Delaram II	$4,400,000
	Dwyer	$74,100,000
	Frontenac	$8,400,000
	Kandahar	$80,400,000
	Maywand	$7,000,000
	Shank	$98,300,000
	Sharana	$12,400,000
	Shindand	$6,100,000
	Tarin Kowt	$29,600,000
	Tombstone/Bastion	$112,600,000
	Various locations	$100,000,000
	Wolverine	$13,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $816,300,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $78,350,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $79,716,000.

(4) OVERSIGHT.—For the Department of Defense Inspector General, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $7,000,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECT.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Oman	Al Musannah.	$69,000,000
Qatar	Al Udeid	$63,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $132,000,000.

(2) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $49,584,000.

(3) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design under section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $13,422,000.

SEC. 2903. AUTHORIZED DEFENSE WIDE CONSTRUCTION AND LAND ACQUISITION PROJECTS AND AUTHORIZATION OF APPROPRIATIONS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and carry out military construction projects for the Defense Agencies for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Wide: Outside the United States

Country	Installation or Location	Amount
Classified Location.	Classified Project.	$41,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) OUTSIDE THE UNITED STATES.—For military construction projects outside the United States authorized by subsection (a), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $41,900,000.

(2) ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.—For architectural and engineering services and construction design authorized by section 2807 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2010, in the total amount of $4,600,000.

TITLE XXX—MILITARY CONSTRUCTION FUNDING TABLES

Sec. 3001. Military construction.
Sec. 3002. Overseas contingency operations.

SEC. 3001. MILITARY CONSTRUCTION.

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Alabama			
Army	Fort Rucker	Aviation Component Maintenance Shop	29,000	29,000
Army	Fort Rucker	Aviation Maintenance Facility	36,000	36,000
Army	Fort Rucker	Training Aids Center	4,650	4,650
	Alaska			
Army	Fort Greely	Fire Station	26,000	26,000
Army	Fort Richardson	Brigade Complex, Ph 1	67,038	67,038
Army	Fort Richardson	Multipurpose Machine Gun Range	12,200	12,200
Army	Fort Richardson	Simulations Center	34,000	34,000
Army	Fort Wainwright	Aviation Task Force Complex, Ph 1 Incr 2	30,000	0
Army	Fort Wainwright	Aviation Task Force Complex, Ph 2A (Hangar)	142,650	142,650
Army	Fort Wainwright	Aviation Task Force Complex, Ph 2B (Company Ops Facility)	27,000	27,000
Army	Fort Wainwright	Urban Assault Course	3,350	3,350
	California			
Army	Fort Irwin	Water Treatment and Distro System	0	0
Army	Presidio Monterey	Advanced Individual Training Barracks	63,000	63,000
Army	Presidio Monterey	General Instruction Building	39,000	39,000
Army	Presidio Monterey	Satellite Communications Facility	38,000	38,000
	Colorado			

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army	Fort Carson	Automated Sniper Field Fire Range	3,650	3,650
Army	Fort Carson	Battalion Headquarters	6,700	6,700
Army	Fort Carson	Brigade Complex	56,000	56,000
Army	Fort Carson	Simulations Center	40,000	40,000
	Florida			
Army	Eglin Ab	Chapel	6,900	6,900
Army	Miami-Dade County	Command & Control Facility	41,000	41,000
Army	US Army Garrison Miami	Commissary	19,000	0
	Georgia			
Army	Fort Benning	Land Acquisition	12,200	12,200
Army	Fort Benning	Museum Operations Support Building	32,000	0
Army	Fort Benning	Trainee Barracks, Ph 2	51,000	51,000
Army	Fort Benning	Training Battalion Complex, Ph 2	14,600	14,600
Army	Fort Benning	Training Battalion Complex, Ph 2	14,600	14,600
Army	Fort Benning	Vehicle Maintenance Shop	53,000	53,000
Army	Fort Gordon	Qualification Training Range	0	0
Army	Fort Gordon	Training Aids Center	4,150	4,150
Army	Fort Stewart	Automated Infantry Platoon Battle Course	6,200	6,200
Army	Fort Stewart	Automated Multipurpose Machine Gun Range	9,100	9,100
Army	Fort Stewart	Aviation Unit Operations Complex	47,000	47,000
Army	Fort Stewart	Battalion Complex	18,000	18,000
Army	Fort Stewart	General Instruction Building	8,200	8,200
Army	Fort Stewart	Modified Record Fire Range	3,750	3,750
Army	Fort Stewart	Simulations Center	26,000	26,000
Army	Fort Stewart	Training Aids Center	7,000	7,000
	Hawaii			
Army	Fort Shafter	Command & Control Facility, Ph 1	58,000	58,000
Army	Fort Shafter	Flood Mitigation	23,000	23,000
Army	Schofield Barracks	Barracks	98,000	98,000
Army	Schofield Barracks	Barracks	90,000	90,000
Army	Schofield Barracks	Training Aids Center	24,000	24,000
Army	Tripler Army Medical Center	Barracks	28,000	28,000
	Kansas			
Army	Fort Leavenworth	Vehicle Maintenance Shop	7,100	7,100
Army	Fort Riley	Automated Infantry Squad Battle Course	4,100	4,100
Army	Fort Riley	Automated Qualification/Training Range	14,800	14,800
Army	Fort Riley	Battalion Complex, Ph 1	31,000	31,000
Army	Fort Riley	Known Distance Range	7,200	7,200
	Kentucky			
Army	Fort Campbell	Automated Sniper Field Fire Range	1,500	1,500
Army	Fort Campbell	Brigade Complex	67,000	67,000
Army	Fort Campbell	Company Operations Facilities	25,000	25,000
Army	Fort Campbell	Infantry Squad Battle Course	0	0
Army	Fort Campbell	Rappelling Training Area	5,600	5,600
Army	Fort Campbell	Shoot House	0	0
Army	Fort Campbell	Unit Operations Facilities	26,000	26,000
Army	Fort Campbell	Urban Assault Course	3,300	3,300
Army	Fort Campbell	Vehicle Maintenance Shop	15,500	15,500
Army	Fort Knox	Access Corridor Improvements	6,000	6,000
Army	Fort Knox	Military Operation Urban Terrain Collective Training Facility	12,800	12,800
Army	Fort Knox	Rail Head Upgrade	0	0
	Louisiana			
Army	Fort Polk	Barracks	29,000	29,000
Army	Fort Polk	Emergency Services Center	0	0
Army	Fort Polk	Heavy Sniper Range	4,250	4,250
Army	Fort Polk	Land Acquisition	24,000	24,000
Army	Fort Polk	Land Acquisition	6,000	6,000
	Maryland			
Army	Aberdeen Proving Ground	Auto Tech Evaluate Facility, Ph 2	14,600	14,600
Army	Fort Meade	Indoor Firing Range	7,600	7,600
Army	Fort Meade	Wideband SATCOM Operations Center	25,000	25,000
	Missouri			
Army	Fort Leonard Wood	Barracks	29,000	29,000
Army	Fort Leonard Wood	Brigade Headquarters	12,200	12,200
Army	Fort Leonard Wood	General Instruction Building	7,000	7,000
Army	Fort Leonard Wood	Information Systems Facility	15,500	15,500
Army	Fort Leonard Wood	Training Barracks	19,000	19,000
Army	Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 2	29,000	29,000
	New Mexico			
Army	White Sands	Barracks	29,000	29,000
	New York			
Army	Fort Drum	Aircraft Fuel Storage Complex	14,600	14,600
Army	Fort Drum	Aircraft Maintenance Hangar	16,500	16,500
Army	Fort Drum	Alert Holding Area Facility	0	0
Army	Fort Drum	Battalion Complex	61,000	61,000
Army	Fort Drum	Brigade Complex, Ph 1	55,000	55,000
Army	Fort Drum	Infantry Squad Battle Course	8,200	8,200
Army	Fort Drum	Railhead Loading Area	0	0
Army	Fort Drum	Training Aids Center	18,500	18,500
Army	Fort Drum	Transient Training Barracks	55,000	55,000
Army	U.S. Military Academy	Science Facility, Ph 2	130,624	130,624
Army	U.S. Military Academy	Urban Assault Course	1,700	1,700
	North Carolina			

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army	Fort Bragg	Battalion Complex	33,000	33,000
Army	Fort Bragg	Brigade Complex	41,000	41,000
Army	Fort Bragg	Brigade Complex	25,000	25,000
Army	Fort Bragg	Brigade Complex	50,000	50,000
Army	Fort Bragg	Command and Control Facility	53,000	53,000
Army	Fort Bragg	Company Operations Facilities	12,600	12,600
Army	Fort Bragg	Dining Facility	11,200	11,200
Army	Fort Bragg	Murchison Road Right of Way Acquisition	17,000	17,000
Army	Fort Bragg	Staging Area Complex	14,600	14,600
Army	Fort Bragg	Student Barracks	18,000	18,000
Army	Fort Bragg	Vehicle Maintenance Shop	7,500	7,500
Army	Fort Bragg	Vehicle Maintenance Shop	28,000	28,000
	Oklahoma			
Army	Fort Sill	General Purpose Storage Building	13,800	13,800
Army	Fort Sill	Museum Operations Support Building	12,800	0
Army	McAlester	Igloo Storage, Depot Level	3,000	3,000
	South Carolina			
Army	Fort Jackson	Trainee Barracks	28,000	28,000
Army	Fort Jackson	Trainee Barracks Complex, Ph 1	46,000	46,000
Army	Fort Jackson	Training Aids Center	17,000	17,000
	Texas			
Army	Corpus Christi NAS	Rotor Blade Processing Facility, Ph 2	0	0
Army	Fort Bliss	Automated Multipurpose Machine Gun Range	6,700	6,700
Army	Fort Bliss	Company Operations Facilities	18,500	18,500
Army	Fort Bliss	Digital Multipurpose Training Range	22,000	22,000
Army	Fort Bliss	Heavy Sniper Range	3,500	3,500
Army	Fort Bliss	Indoor Swimming Pool	15,500	15,500
Army	Fort Bliss	Light Demolition Range	2,100	2,100
Army	Fort Bliss	Live Fire Exercise Shoothouse	3,150	3,150
Army	Fort Bliss	Scout/Reconnaissance Crew Engagement Gunnery Complex	15,500	15,500
Army	Fort Bliss	Squad Defense Range	3,000	3,000
Army	Fort Bliss	Theater High Altitude Area Defense Battery Complex	17,500	17,500
Army	Fort Bliss	Transient Training Complex	31,000	31,000
Army	Fort Bliss	Urban Assault Course	2,800	2,800
Army	Fort Bliss	Vehicle Bridge Overpass	8,700	8,700
Army	Fort Hood	Battalion Complex	40,000	40,000
Army	Fort Hood	Brigade Complex	38,000	38,000
Army	Fort Hood	Company Operations Facilities	4,300	4,300
Army	Fort Hood	Convoy Live Fire	3,200	3,200
Army	Fort Hood	Live Fire Exercise Shoothouse	2,100	2,100
Army	Fort Hood	Soldier Readiness Processing Center	0	0
Army	Fort Hood	Unmanned Aerial System Hangar	55,000	55,000
Army	Fort Hood	Urban Assault Course	2,450	2,450
Army	Fort Sam Houston	Simulations Center	16,000	16,000
Army	Fort Sam Houston	Training Aids Center	6,200	6,200
	Virginia			
Army	Fort A.P. Hill	1200 Meter Range	14,500	14,500
Army	Fort A.P. Hill	Indoor Firing Range	6,200	6,200
Army	Fort A.P. Hill	Known Distance Range	3,800	3,800
Army	Fort A.P. Hill	Light Demolition Range	4,100	4,100
Army	Fort A.P. Hill	Military Operation Urban Terrain Collective Training Facility	65,000	65,000
Army	Fort Eustis	Warrior in Transition Complex	18,000	18,000
Army	Fort Lee	Automated Qualification Training Range	7,700	7,700
Army	Fort Lee	Company Operations Facility	4,900	4,900
Army	Fort Lee	Museum Operations Support Building	30,000	0
Army	Fort Lee	Training Aids Center	5,800	5,800
	Washington			
Army	Fort Lewis	Barracks	47,000	47,000
Army	Fort Lewis	Barracks Complex	40,000	40,000
Army	Fort Lewis	Rappelling Training Area	5,300	5,300
Army	Fort Lewis	Regional Logistic Support Complex	63,000	63,000
Army	Fort Lewis	Regional Logistic Support Complex Warehouse	16,500	16,500
Army	Yakima	Sniper Field Fire Range	3,750	3,750
	Afghanistan			
Army	Bagram AB	Army Aviation HQ Facilities	19,000	19,000
Army	Bagram AB	Barracks	18,000	18,000
Army	Bagram AB	Consolidated Community Support Area	14,800	14,800
Army	Bagram AB	Eastside Electrical Distribution	10,400	10,400
Army	Bagram AB	Eastside Utilities Infrastructure	29,000	29,000
Army	Bagram AB	Entry Control Point	7,500	7,500
Army	Bagram AB	Joint Defense Operations Center	2,800	2,800
	Germany			
Army	Ansbach	Physical Fitness Center	13,800	13,800
Army	Ansbach	Vehicle Maintenance Shop	18,000	18,000
Army	Grafenwoehr	Barracks	20,000	20,000
Army	Grafenwoehr	Barracks	19,000	19,000
Army	Grafenwoehr	Barracks	19,000	19,000
Army	Grafenwoehr	Barracks	17,500	17,500
Army	Rhine Ordnance Barracks	Barracks Complex	35,000	35,000
Army	Sembach AB	Confinement Facility	9,100	9,100
Army	Wiesbaden AB	Command and Battle Center, Incr 2	59,500	59,500
Army	Wiesbaden AB	Construct New Access Control Point	5,100	5,100
Army	Wiesbaden AB	Information Processing Center	30,400	30,400

SEC. 3001. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army	Wiesbaden AB	Sensitive Compartmented Information Facility	91,000	91,000
	Honduras			
Army	Soto Cano AB	Barracks	20,400	20,400
	Italy			
Army	Vicenza	Brigade Complex—Barracks/Community, Incr 4	26,000	26,000
Army	Vicenza	Brigade Complex—Operations Support Facility, Incr 4	25,000	25,000
	Korea			
Army	Camp Walker	Electrical System Upgrade & Natural Gas System	19,500	19,500
	Unspecified			
Army	Troop Trainee Housing	Training Barracks	0	0
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support FY 11	28,000	28,000
Army	Unspecified Worldwide Locations	Minor Construction FY 11	23,000	23,000
Army	Unspecified Worldwide Locations	Planning and Design FY 11	221,636	221,636
Total Military Construction, Army			**4,078,798**	**3,954,998**
	Alabama			
Navy	Mobile	T–6 Outlying Landing Field	29,082	29,082
	Arizona			
Navy	Yuma	Aircraft Maintenance Hangar	40,600	40,600
Navy	Yuma	Aircraft Maintenance Hangar	63,280	63,280
Navy	Yuma	Communications Infrastructure Upgrade	63,730	63,730
Navy	Yuma	Intermediate Maintenance Activity Facility	21,480	21,480
Navy	Yuma	Simulator Facility	36,060	36,060
Navy	Yuma	Utilities Infrastructure Upgrades	44,320	44,320
Navy	Yuma	Van Pad Complex Relocation	15,590	15,590
	California			
Navy	Camp Pendleton	Bachelor Enlisted Quarters—13 Area	42,864	42,864
Navy	Camp Pendleton	Bachelor Enlisted Quarters—Las Flores	37,020	37,020
Navy	Camp Pendleton	Center for Naval Aviation Technical Training/Fleet Replacement Squadron—Aviation Training and Bachelor Enlisted Quarters.	66,110	66,110
Navy	Camp Pendleton	Conveyance/Water Treatment	100,700	100,700
Navy	Camp Pendleton	Marine Aviation Logistics Squadron–39 Maintenance Hangar Expansion	48,230	48,230
Navy	Camp Pendleton	Marine Corps Energy Initiative	9,950	9,950
Navy	Camp Pendleton	North Region Tert Treat Plant (Incremented)	30,000	30,000
Navy	Camp Pendleton	Small Arms Magazine—Edson Range	3,760	3,760
Navy	Camp Pendleton	Truck Company Operations Complex	53,490	53,490
Navy	Coronado	Maritime Expeditionary Security Group- One (Mesg–1) Consolidated Boat Maintenance Facility.	0	0
Navy	Coronado	Rotary Hangar	67,160	67,160
Navy	Miramar	Aircraft Maintenance Hangar	90,490	90,490
Navy	Miramar	Hangar 4	33,620	33,620
Navy	Miramar	Parking Apron/Taxiway Expansion	66,500	66,500
Navy	Monterey NSA	International Academic Instruction Building	0	0
Navy	San Diego	Bachelor Enlisted Quarters, Homeport Ashore	75,342	75,342
Navy	San Diego	Berthing Pier 12 Replace & Dredging, Ph 1	108,414	108,414
Navy	San Diego	Marine Corps Energy Initiative	9,950	9,950
Navy	Twentynine Palms	Bachelor Enlisted Quarters & Parking Structure	53,158	53,158
	Connecticut			
Navy	New London NSB	Submarine Group 2 Headquarters	0	0
	Florida			
Navy	Blount Island	Consolidated Warehouse Facility	17,260	17,260
Navy	Blount Island	Container Staging and Loading Lot	5,990	5,990
Navy	Blount Island	Container Storage Lot	4,910	4,910
Navy	Blount Island	Hardstand Extension	17,930	17,930
Navy	Blount Island	Paint and Blast Facility	18,840	18,840
Navy	Blount Island	Washrack Expansion	9,690	9,690
Navy	Panama City NSA	Land Acquisition	0	0
Navy	Panama City NSA	Purchase 9 Acres	0	0
Navy	Tampa	Joint Comms Support Element Vehicle Paint Facility	2,300	0
	Georgia			
Navy	Albany MCLB	Maintenance Center Test Firing Range	0	0
Navy	Kings Bay	Security Enclave & Vehicle Barriers	45,004	45,004
Navy	Kings Bay	Waterfront Emergency Power	15,660	15,660
	Hawaii			
Navy	Camp Smith	Physical Fitness Center	29,960	29,960
Navy	Kaneohe Bay	Bachelor Enlisted Quarters	90,530	90,530
Navy	Kaneohe Bay	Waterfront Operations Facility	19,130	19,130
Navy	Pacific Missile Range Facility	Replace North Loop Electrical Distribution System	0	0
Navy	Pearl Harbor	Center for Disaster Mgt/Humanitarian Assistance	9,140	9,140
Navy	Pearl Harbor	Fire Station, West Loch	0	0
Navy	Pearl Harbor	Joint Pow/Mia Accounting Command	99,328	99,328
Navy	Pearl Harbor	Pre-Fab Bridge Nohili Ditch	0	0
Navy	Pearl Harbor	Welding School Shop Consolidation	0	0
	Maine			
Navy	Portsmouth NSY	Consolidation of Structural Shops	0	0
Navy	Portsmouth NSY	Structural Shops Addition, Ph 1	0	0
	Maryland			
Navy	Indian Head	Advanced Energetics Research Lab Complex Phase 2	0	0
Navy	Indian Head	Agile Chemical Facility, Ph 2	34,238	34,238
Navy	Patuxent River	Atlantic Test Range Addition	0	0
Navy	Patuxent River	Broad Area Maritime Surveillance & E Facility	42,211	42,211

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Mississippi			
Navy	Gulfport	Branch Health Clinic	0	0
	North Carolina			
Navy	Camp Lejeune	2nd Intel Battalion Maintenance/Ops Complex	90,270	90,270
Navy	Camp Lejeune	Armory- II Mef—Wallace Creek	12,280	12,280
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Courthouse Bay	42,330	42,330
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Courthouse Bay	40,780	40,780
Navy	Camp Lejeune	Bachelor Enlisted Quarters—French Creek	43,640	43,640
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Rifle Range	55,350	55,350
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek	51,660	51,660
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Wallace Creek North	46,290	46,290
Navy	Camp Lejeune	Bachelor Enlisted Quarters—Camp Johnson	46,550	46,550
Navy	Camp Lejeune	Explosive Ordnanance Disposal Unit Addition—2nd Marine Logistics Group	7,420	7,420
Navy	Camp Lejeune	Hangar	73,010	73,010
Navy	Camp Lejeune	Maintenance Hangar	74,260	74,260
Navy	Camp Lejeune	Maintenance/Ops Complex—2nd Air Naval Gunfire Liaison Company	36,100	36,100
Navy	Camp Lejeune	Marine Corps Energy Initiative	9,950	9,950
Navy	Camp Lejeune	Mess Hall—French Creek	25,960	25,960
Navy	Camp Lejeune	Mess Hall Addition—Courthouse Bay	2,553	2,553
Navy	Camp Lejeune	Motor Transportation/Communications Maintenance Facility	18,470	18,470
Navy	Camp Lejeune	Utility Expansion—Hadnot Point	56,470	56,470
Navy	Camp Lejeune	Utility Expansion—French Creek	56,050	56,050
Navy	Cherry Point Marine Corps Air Station	Bachelor Enlisted Quarters	42,500	42,500
Navy	Cherry Point Marine Corps Air Station	Mariners Bay Land Acquisition—Bogue	3,790	3,790
Navy	Cherry Point Marine Corps Air Station	Missile Magazine	13,420	13,420
Navy	Cherry Point Marine Corps Air Station	Station Infrastructure Upgrades	5,800	5,800
	Pennsylvania			
Navy	Naval Support Activity Mechanicsburg	North Gate Security Improvements	0	0
Navy	Naval Support Activity Mechanicsburg	Quiet Propulsion Load House	0	0
	Rhode Island			
Navy	Newport	Electromagnetic Facility	27,007	27,007
Navy	Newport	Gate Improvements	0	0
Navy	Newport	Submarine Payloads Integration Laboratory	0	0
	South Carolina			
Navy	Beaufort	Air Installation Compatable Use Zone Land Acquisition	21,190	21,190
Navy	Beaufort	Aircraft Hangar	46,550	46,550
Navy	Beaufort	Physical Fitness Center	15,430	15,430
Navy	Beaufort	Training and Simulator Facility	46,240	46,240
	Texas			
Navy	Kingsville NAS	Youth Center	0	0
	Virginia			
Navy	Dahlgren	Building 1200—Missile Support Facility Replacement Phase 1	0	0
Navy	Norfolk	Pier 9 & 10 Upgrades for Ddg 1000	2,400	2,400
Navy	Norfolk	Pier 1 Upgrades to Berth Usns Comfort	10,035	10,035
Navy	Portsmouth	Ship Repair Pier Replacement, Incr 2	100,000	100,000
Navy	Quantico	Academic Facility Addition—Staff Non Comissioned Officer Academy	12,080	12,080
Navy	Quantico	Bachelor Enlisted Quarters	37,810	37,810
Navy	Quantico	Research Center Addition—MCU	37,920	37,920
Navy	Quantico	Student Officer Quarters—the Basic School	55,822	55,822
	Washington			
Navy	Bangor	Commander Submarine Development Squadron 5 Laboratory Expansion Ph1	16,170	16,170
Navy	Bangor	Limited Area Emergency Power	15,810	15,810
Navy	Bangor	Waterfront Restricted Area Emergency Power	24,913	24,913
Navy	Naval Base Kitsap	Charleston Gate Ecp Improvements	0	0
Navy	Naval Base Kitsap	Limited Area Product/Strg Complex (Incremented)	19,116	19,116
	Bahrain Island			
Navy	SW Asia	Navy Central Command Ammunition Magazines	89,280	89,280
Navy	SW Asia	Operations and Support Facilities	60,002	60,002
Navy	SW Asia	Waterfront Development, Ph 3	63,871	63,871
	Guam			
Navy	Guam	Anderson AFB North Ramp Parking, Ph 1, Inc 2	93,588	0
Navy	Guam	Anderson AFB North Ramp Utilities, Ph 1, Inc 2	79,350	0
Navy	Guam	Apra Harbor Wharves Improvements, Ph 1	40,000	40,000
Navy	Guam	Defense Access Roads Improvements	66,730	66,730
Navy	Guam	Finegayan Site Prep and Utilities	147,210	0
	Japan			
Navy	Atsugi	MH–60r/S Trainer Facility	6,908	6,908
	Spain			
Navy	Rota	Air Traffic Control Tower	23,190	23,190
	Djibouti			
Navy	Camp Lemonier	Camp Lemonier HQ Facility	12,407	0
Navy	Camp Lemonier	General Warehouse	7,324	7,324
Navy	Camp Lemonier	Horn of Africa Joint Operations Center	28,076	0
Navy	Camp Lemonier	Pave External Roads	3,824	3,824
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Planning and Design	120,050	120,050
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	20,877	20,877

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Total Military Construction, Navy			**3,879,104**	**3,516,173**
	Alabama			
AF	Maxwell AFB	Adal Air University Library	13,400	13,400
	Alaska			
AF	Eielson AFB	Repair Central Heat Plant & Power Plant Boilers	28,000	28,000
AF	Elmendorf AFB	Add/Alter Air Support Operations Squadron Training	4,749	4,749
AF	Elmendorf AFB	Construct Railhead Operations Facility	15,000	15,000
AF	Elmendorf AFB	Dod Joint Regional Fire Training Facility	0	0
AF	Elmendorf AFB	F–22 Add/Alter Weapons Release Systems Shop	10,525	10,525
	Arizona			
AF	Davis-Monthan AFB	Aerospace Maintenance and Regeneration Group Hangar	25,000	25,000
AF	Davis-Monthan AFB	HC–130 Aerospace Ground Equipment Maintenance Facility	4,600	4,600
AF	Davis-Monthan AFB	HC–130J Aerial Cargo Facility	10,700	10,700
AF	Davis-Monthan AFB	HC–130J Parts Store	8,200	8,200
AF	Fort Huachuca	Total Force Integration-Predator Launch and Recovery Element Beddown	11,000	0
AF	Luke AFB	F–35 Academic Training Center	0	54,150
AF	Luke AFB	F–35 Squadron Operations Facility	0	10,260
	California			
AF	Edwards AFB	Flightline Fire Station	0	0
AF	Los Angeles AFB	Consolidated Parking Area, Ph 2	0	0
	Colorado			
AF	Buckley AFB	Land Acquisition	0	0
AF	Buckley AFB	Security Forces Operations Facility	12,160	12,160
AF	Peterson AFB	Rapid Attack Identification Detection Repair System Space Control Facility	24,800	24,800
AF	U.S. Air Force Academy	Const Center for Character & Leadership Development	27,600	27,600
	Delaware			
AF	Dover AFB	C–5M/C–17 Maintenance Training Facility, Ph 2	3,200	3,200
	District of Columbia			
AF	Bolling AFB	Joint Air Defense Operations Center	13,200	13,200
	Florida			
AF	Eglin AFB	F–35 Fuel Cell Maintenance Hangar	11,400	11,400
AF	Hurlburt Field	Adal Special Operations School Facility	6,170	6,170
AF	Hurlburt Field	Add to Visiting Quarters (24 Rm)	4,500	4,500
AF	Hurlburt Field	Base Logistics Facility	24,000	24,000
AF	Patrick AFB	Air Force Technical Application Center	158,009	158,009
AF	Patrick AFB	Relocate Main Gate	0	0
	Georgia			
AF	Robins AFB	54th Combat Communications Squadron Warehouse Facility, Ph 2	0	0
	Louisiana			
AF	Barksdale AFB	Weapons Load Crew Training Facility	18,140	18,140
	Missouri			
AF	Whiteman AFB	Consolidated Air Ops Facility	0	0
	Montana			
AF	Malmstrom AFB	Physical Fitness Center, Phase II	0	0
	Nebraska			
AF	Offutt AFB	Kenney/Bellevue Gates	0	0
	Nevada			
AF	Creech AFB	UAS Airfield Fire/Crash Rescue Station	11,710	11,710
AF	Nellis AFB	Communication Network Control Center	0	0
AF	Nellis AFB	F–35 Add/Alter 422 Test Evaluation Squadron Facility	7,870	7,870
AF	Nellis AFB	F–35 Add/Alter Flight Test Instrumentation Facility	1,900	1,900
AF	Nellis AFB	F–35 Flight Simulator Facility	13,110	13,110
AF	Nellis AFB	F–35 Maintenance Hangar	28,760	28,760
	New Jersey			
AF	McGuire AFB	Base Ops/Command Post Facility (TFI)	8,000	8,000
AF	McGuire AFB	Dormitory (120 Rm)	18,440	18,440
	New Mexico			
AF	Cannon AFB	Dormitory (96 Rm)	14,000	14,000
AF	Cannon AFB	Family Support Center	0	0
AF	Cannon AFB	UAS Squadron Ops Facility	20,000	20,000
AF	Holloman AFB	Parallel Taxiway, Runway 07/25	0	0
AF	Holloman AFB	UAS Add/Alter Maintenance Hangar	15,470	15,470
AF	Holloman AFB	UAS Maintenance Hangar	22,500	22,500
AF	Kirtland AFB	Aerial Delivery Facility Addition	3,800	3,800
AF	Kirtland AFB	Armament Shop	6,460	6,460
AF	Kirtland AFB	H/MC–130 Fuel System Maintenance Facility	14,142	14,142
AF	Kirtland AFB	Military Working Dog Facility	0	0
AF	Kirtland AFB	Replace Fire Station 3	0	0
	New York			
AF	Fort Drum	20th Air Support Operations Squadron Complex	20,440	20,440
	North Carolina			
AF	Pope AFB	Crash/Fire/Rescue Station	0	0
	North Dakota			
AF	Grand Forks AFB	Central Deployment Center	0	0
AF	Minot AFB	Control Tower/Base Operations Facility	18,770	18,770
	Oklahoma			
AF	Tinker AFB	Air Traffic Control Tower	0	0
AF	Tinker AFB	Upgrade Building 3001 Infrastructure, Ph 3	14,000	14,000
	South Carolina			
AF	Charleston AFB	Civil Engineer Complex (TFI)—Ph 1	15,000	15,000
	South Dakota			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
AF	Ellsworth AFB	Maintenance Training Facility	0	0
	Texas			
AF	Dyess AFB	C–130J Add/Alter Flight Simulator Facility	4,080	4,080
AF	Ellington Field	Upgrade Unmanned Aerial Vehicle Maintenance Hangar	7,000	0
AF	Lackland AFB	Basic Military Training Satellite Classroom/Dining Facility No 2	32,000	32,000
AF	Lackland AFB	One-Company Fire Station	5,500	5,500
AF	Lackland AFB	Recruit Dormitory, Ph 3	67,980	67,980
AF	Lackland AFB	Recruit/Family Inprocessing & Info Center	21,800	21,800
AF	Laughlin AFB	Community Event Complex	0	0
AF	Randolph AFB	Fire Crash Rescue Station	0	0
	Utah			
AF	Hill AFB	Consolidated Transportation Facilities, Phase I	0	0
AF	Hill AFB	F–22 T–10 Engine Test Cell	2,800	2,800
AF	Hill AFB	F–35 Add/Alt Building 118 for Flight Simulator	0	3,600
AF	Hill AFB	F–35 Add/Alt Hangar 45W/AMU	0	6,500
AF	Hill AFB	F–35A Modular Storage Magazine	0	2,000
	Virginia			
AF	Langley AFB	F–22 Add/Alter Hangar Bay Lo/Cr Facility	8,800	8,800
	Washington			
AF	Fairchild AFB	Precision Measurement Equipment Laboratory (Pmel) Facility	0	0
AF	Mcchord AFB	Chapel Center	0	0
	Wyoming			
AF	Camp Guernsey	Nuclear/Space Security Tactics Training Center	4,650	4,650
	Afghanistan			
AF	Bagram AFB	Consolidated Rigging Facility	9,900	9,900
AF	Bagram AFB	Fighter Hangar	16,480	16,480
AF	Bagram AFB	Medevac Ramp Expansion/Fire Station	16,580	16,580
	Bahrain Island			
AF	SW Asia	North Apron Expansion	45,000	45,000
	Germany			
AF	Kapaun	Dormitory (128 Rm)	19,600	19,600
AF	Ramstein AB	Construct C–130J Flight Simulator Facility	8,800	8,800
AF	Ramstein AB	Deicing Fluid Storage & Dispensing Facility	2,754	2,754
AF	Ramstein AB	Unmanned Aerial System Satellite Communication Relay Pads & Facility	10,800	10,800
AF	Vilseck	Air Support Operations Squadron Complex	12,900	12,900
	Guam			
AF	Andersen AFB	Combat Communications Operations Facility	9,200	9,200
AF	Andersen AFB	Commando Warrior Open Bay Student Barracks	11,800	11,800
AF	Andersen AFB	Guam Strike Ops Group & Tanker Task Force	9,100	9,100
AF	Andersen AFB	Guam Strike South Ramp Utilities, Ph 1	12,200	12,200
AF	Andersen AFB	Red Horse Headquarters/Engineering Facility	8,000	8,000
	Italy			
AF	Aviano AFB	Air Support Operations Squadron Facility	10,200	10,200
AF	Aviano AFB	Dormitory (144 Rm)	19,000	19,000
	Korea			
AF	Kunsan AFB	Construct Distributed Mission Training Flight Simulator Facility	7,500	7,500
	Qatar			
AF	Al Udeid	Blatchford-Preston Complex Ph 3	62,300	62,300
	United Kingdom			
AF	Royal Air Force Mildenhall	Extend Taxiway Alpha	15,000	15,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	F–35 Academic Training Center	54,150	0
AF	Unspecified Worldwide Locations	F–35 Flight Simulator Facility	12,190	0
AF	Unspecified Worldwide Locations	Planning & Design	66,336	66,336
AF	Unspecified Worldwide Locations	Unspecified Minor Construction—FY11	18,000	18,000
AF	Various Worldwide Locations	F–35 Squadron Operations Facility	10,260	0
Total Military Construction, Air Force			**1,311,385**	**1,293,295**
	Arizona			
Def-Wide	Marana	Special Operations Forces Parachute Training Facility	0	0
Def-Wide	Yuma	Special Operations Forces Military Free Fall Simulator	8,977	8,977
	California			
Def-Wide	Point Loma Annex	Replce Storage Facility, Incr 3	20,000	20,000
Def-Wide	Point Mugu	Aircraft Direct Fueling Station	3,100	3,100
	Colorado			
Def-Wide	Fort Carson	Special Operations Forces Tactical Unmanned Aerial Vehicle Hangar	3,717	3,717
	District of Columbia			
Def-Wide	Bolling AFB	Replace Parking Structure, Ph 1	3,000	3,000
	Florida			
Def-Wide	Eglin AFB	Special Operations Forces Ground Support Battalion Detachment	6,030	6,030
	Georgia			
Def-Wide	Augusta	National Security Agency/Central Security Service Georgia Training Facility	12,855	12,855
Def-Wide	Fort Benning	Dexter Elementary School Construct Gym	2,800	2,800
Def-Wide	Fort Benning	Special Operations Forces Company Support Facility	20,441	20,441
Def-Wide	Fort Benning	Special Operations Forces Military Working Dog Kennel Complex	3,624	3,624
Def-Wide	Fort Stewart	Health Clinic Addtion/Alteration	35,100	35,100
Def-Wide	Hunter Angs	Fuel Unload Facility	2,400	2,400
Def-Wide	Hunter Army Airfield	Special Operations Forces Tactical Equipment Maintenance Facility Expansion	3,318	3,318
	Hawaii			
Def-Wide	Hickam AFB	Alter Fuel Storage Tanks	8,500	8,500
Def-Wide	Pearl Harbor	Naval Special Warfare Group 3 Command and Operations Facility	28,804	28,804
	Idaho			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Def-Wide	Mountain Home AFB	Replace Fuel Storage Tanks	27,500	27,500
	Illinois			
Def-Wide	Scott Air Force Base	Field Command Facility Upgrade	1,388	1,388
	Kentucky			
Def-Wide	Fort Campbell	Landgraf Hangar Addition, 160th Soar	0	0
Def-Wide	Fort Campbell	Special Operations Forces Battalion Ops Complex	38,095	38,095
	Maryland			
Def-Wide	Aberdeen Proving Ground	US Army Medical Research Institue of Infectious Diseases Replacement, Inc 3	105,000	105,000
Def-Wide	Andrews AFB	Replace Fuel Storage & Distribution Facility	14,000	14,000
Def-Wide	Bethesda Naval Hospital	National Naval Medical Center Parking Expansion	17,100	17,100
Def-Wide	Bethesda Naval Hospital	Transient Wounded Warrior Lodging	62,900	62,900
Def-Wide	Fort Detrick	Consolidated Logistics Facility	23,100	23,100
Def-Wide	Fort Detrick	Information Services Facility Expansion	4,300	4,300
Def-Wide	Fort Detrick	National Interagency Biodefense Campus Security Fencing and Equipment	2,700	2,700
Def-Wide	Fort Detrick	Supplemental Water Storage	3,700	3,700
Def-Wide	Fort Detrick	US Army Medical Research Institue of Infectious Diseases—Stage I, Inc 5	17,400	17,400
Def-Wide	Fort Detrick	Water Treatment Plant Repair & Supplement	11,900	11,900
Def-Wide	Fort Meade	North Campus Utility Plant, Incr 1	219,360	219,360
	Massachusetts			
Def-Wide	Hanscom AFB	Mental Health Clinic Addition	2,900	2,900
	Mississippi			
Def-Wide	Stennis Space Center	SOF Western Maneuver Area (Phase II)	0	0
Def-Wide	Stennis Space Center	SOF Western Maneuver Area (Phase III)	0	0
Def-Wide	Stennis Space Center	Special Operations Forces Land Acquisition, Ph 3	0	0
	New Mexico			
Def-Wide	Cannon AFB	Special Operations Forces Add/Alt Simulator Facility for MC–130	13,287	13,287
Def-Wide	Cannon AFB	Special Operations Forces Aircraft Parking Apron (MC–130J)	12,636	12,636
Def-Wide	Cannon AFB	Special Operations Forces C–130 Parking Apron Phase I	26,006	26,006
Def-Wide	Cannon AFB	Special Operations Forces Hangar/AMU (MC–130J)	24,622	24,622
Def-Wide	Cannon AFB	Special Operations Forces Operations and Training Complex	39,674	39,674
Def-Wide	White Sands	Health and Dental Clinics	22,900	22,900
	New York			
Def-Wide	U.S. Military Academy	West Point MS Add/Alt	27,960	27,960
	North Carolina			
Def-Wide	Camp Lejeune	Tarawa Terrace I Elementry School Replace School	16,646	16,646
Def-Wide	Fort Bragg	Mcnair Elementry School—Replace School	23,086	23,086
Def-Wide	Fort Bragg	Murray Elementry School—Replace School	22,000	22,000
Def-Wide	Fort Bragg	SOF Baffle Containment for Range 19C	0	0
Def-Wide	Fort Bragg	SOF Medical Support Addition	0	0
Def-Wide	Fort Bragg	Special Operations Forces Admin/Company Operations	10,347	10,347
Def-Wide	Fort Bragg	Special Operations Forces C4 Facility	41,000	41,000
Def-Wide	Fort Bragg	Special Operations Forces Joint Intelligence Brigade Facility	32,000	32,000
Def-Wide	Fort Bragg	Special Operations Forces Operational Communications Facility	11,000	11,000
Def-Wide	Fort Bragg	Special Operations Forces Operations Additions	15,795	15,795
Def-Wide	Fort Bragg	Special Operations Forces Operations Support Facility	13,465	13,465
	Ohio			
Def-Wide	Columbus	Replace Public Safety Facility	7,400	7,400
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Headquarters Facility	96,000	96,000
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement, Incr 2	147,100	147,100
Def-Wide	Lackland AFB	Ambulatory Care Center, Ph 2	162,500	162,500
	Utah			
Def-Wide	Camp Williams	Comprehensive National Cybersecurity Initiative Data Center Increment 2	398,358	398,358
	Virginia			
Def-Wide	Craney Island	Replace Fuel Pier	58,000	58,000
Def-Wide	Fort Belvoir	Dental Clinic Replacement	6,300	6,300
Def-Wide	Pentagon	Pentagon Metro & Corridor 8 Screening Facility	6,473	6,473
Def-Wide	Pentagon	Power Plant Modernization, Ph 3	51,928	51,928
Def-Wide	Pentagon	Secure Access Lane-Remote Vehicle Screening	4,923	4,923
Def-Wide	Quantico	New Consolidated Elemetary School	47,355	47,355
	Washington			
Def-Wide	Fort Lewis	Preventive Medicine Facility	8,400	8,400
Def-Wide	Fort Lewis	Special Operations Forces Military Working Dogs Kennel	0	0
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility	31,863	31,863
Def-Wide	Brussels	Replace Shape Middle School/High School	67,311	67,311
	Germany			
Def-Wide	Katterbach	Health/Dental Clinic Replacement	37,100	37,100
Def-Wide	Panzer Kaserne	Replace Boeblingen High School	48,968	48,968
Def-Wide	Vilseck	Health Clinic Add/Alt	34,800	34,800
	Guam			
Def-Wide	Agana NAS	Hospital Replacement, Incr 2	70,000	0
	Japan			
Def-Wide	Kadena AB	Install Fuel Filters-Separators	3,000	3,000
Def-Wide	Misawa AB	Hydrant Fuel System	31,000	31,000
	Korea			
Def-Wide	Camp Carroll	Health/Dental Clinic Replacement	19,500	19,500
	Qatar			
Def-Wide	Al Udeid	Qatar Warehouse	1,961	1,961
	Puerto Rico			
Def-Wide	Fort Buchanan	Antilles Elementry School/Intermediate School—Replace School	58,708	58,708

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
	United Kingdom			
Def-Wide	Menwith Hill Station	Menwith Hill Station PSC Construction—Generators 10 & 11	2,000	2,000
Def-Wide	Royal Air Force Alconbury	Alconbury Elementry School Replacement	30,308	30,308
Def-Wide	Royal Air Force Mildenhall	Replace Hydrant Fuel Distribution System	15,900	15,900
	Various Locations			
Def-Wide	Unspecified Worldwide Locations	General Reduction	0	0
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	120,000	120,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design (DODEA)	79,763	79,763
Def-Wide	Unspecified Worldwide Locations	Planning and Design (DSS)	1,988	1,988
Def-Wide	Unspecified Worldwide Locations	Planning and Design (NSA)	28,239	28,239
Def-Wide	Unspecified Worldwide Locations	Planning and Design (SOCOM)	30,836	30,836
Def-Wide	Unspecified Worldwide Locations	Planning and Design (TMA)	230,300	230,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design (Undistributed)	54,221	54,221
Def-Wide	Unspecified Worldwide Locations	Planning and Design (WHS)	6,270	6,270
Def-Wide	Unspecified Worldwide Locations	Planning and Design-ECIP	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction (DODEA)	13,841	13,841
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction (JCS)	8,210	8,210
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction (TMA)	4,884	4,884
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction (Undistributed)	3,000	3,000
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction (DLA)	5,258	5,258
Def-Wide	Various Worldwide Locations	Unspecified Minor Construction (SOCOM)	7,663	7,663
Total Military Construction, Defense-Wide			**3,118,062**	**3,048,062**
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph 12	65,569	65,569
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph 11	59,402	59,402
Total Chemical Demilitarization Construction, Defense			**124,971**	**124,971**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	258,884	258,884
Total NATO Security Investment Program			**258,884**	**258,884**
	Alabama			
Army NG	Fort Mcclellan	Live Fire Shoot House	0	0
	Arizona			
Army NG	Florence	Readiness Center	16,500	16,500
	Arkansas			
Army NG	Camp Robinson	Combined Support Maintenance Shop	30,000	30,000
Army NG	Fort Chaffee	Combined Arms Collective Training Facility	19,000	19,000
Army NG	Fort Chaffee	Convoy Live Fire/Entry Control Point Range	0	0
Army NG	Fort Chaffee	Live Fire Shoot House	2,500	2,500
	California			
Army NG	Camp Roberts	Combined Arms Collective Training Facility	19,000	19,000
	Colorado			
Army NG	Colorado Springs	Readiness Center	20,000	20,000
Army NG	Fort Carson	Regional Training Institute	40,000	40,000
Army NG	Gypsum	High Altitude Army Aviation Training Site/Army Aviation Support Facility	39,000	39,000
Army NG	Watkins	Parachute Maintenance Facility	0	0
Army NG	Windsor	Readiness Center	7,500	7,500
	Connecticut			
Army NG	Windsor Locks	Readiness Center (Aviation)	41,000	41,000
	Delaware			
Army NG	New Castle	Armed Forces Reserve Center(JFHQ)	27,000	27,000
	Georgia			
Army NG	Cumming	Readiness Center	17,000	17,000
Army NG	Dobbins ARB	Readiness Center Add/Alt	10,400	10,400
	Hawaii			
Army NG	Kalaeloa	Combined Support Maintenance Shop	38,000	38,000
	Idaho			
Army NG	Gowen Field	Barracks (Operational Readiness Training Complex) Ph1	17,500	17,500
Army NG	Mountain Home	Tactical Unmanned Aircraft System Facility	6,300	6,300
	Illinois			
Army NG	Marseilles TA	Simulation Center	0	0
Army NG	Springfield	Combined Support Maintenance Shop Add/Alt	15,000	15,000
	Iowa			
Army NG	Camp Dodge	Combined Arms Collective Training Facility	0	0
	Kansas			
Army NG	Topeka Army Aviation Support Facility	Taxiway, Parking Ramps and Hanger Alterations	0	0
Army NG	Wichita	Field Maintenance Shop	24,000	24,000
Army NG	Wichita	Readiness Center	43,000	43,000
	Kentucky			
Army NG	Burlington	Readiness Center	19,500	19,500
	Louisiana			
Army NG	Fort Polk	Tactical Unmanned Aircraft System Facility	5,500	5,500
Army NG	Minden	Readiness Center	28,000	28,000
	Maryland			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army NG	St. Inigoes	Tactical Unmanned Aircraft System Facility	5,500	5,500
	Massachusetts			
Army NG	Hanscom AFB	Armed Forces Reserve Center(JFHQ)Ph2	23,000	23,000
	Michigan			
Army NG	Camp Grayling Range	Barracks Replacement, Phase Ii	0	0
Army NG	Camp Grayling Range	Combined Arms Collective Training Facility	19,000	19,000
Army NG	Camp Grayling Range	Light Demolition Range	0	0
	Minnesota			
Army NG	Arden Hills	Field Maintenance Shop	29,000	29,000
Army NG	Camp Ripley	Infantry Squad Battle Course	4,300	4,300
Army NG	Camp Ripley	Tactical Unmanned Aircraft System Facility	4,450	4,450
	Missouri			
Army NG	Fort Leonard Wood	Regional Training Institute	0	0
	Nebraska			
Army NG	Lincoln	Readiness Center Add/Alt	3,300	3,300
Army NG	Mead	Readiness Center	11,400	11,400
	Nevada			
Army NG	Las Vegas	Cst Ready Building	0	0
Army NG	Nevada National Guard	Las Vegas Field Maintenance Shop	0	0
	New Hampshire			
Army NG	Pembroke	Barracks Facility (Regional Training Institute)	15,000	15,000
Army NG	Pembroke	Classroom Facility (Regional Training Institute)	21,000	21,000
	New Mexico			
Army NG	Farmington	Readiness Center Add/Alt	8,500	8,500
	New York			
Army NG	Ronkonkoma	Flightline Rehabilitation	0	0
	North Carolina			
Army NG	High Point	Readiness Center Add/Alt	1,551	1,551
Army NG	Morrisville	Aasf 1 Fixed Wing Aircraft Hangar Annex	0	0
	North Dakota			
Army NG	Camp Grafton	Readiness Center Add/Alt	11,200	11,200
	Ohio			
Army NG	Camp Sherman	Maintenance Building Add/Alt	0	0
	Rhode Island			
Army NG	East Greenwich	United States Property & Fiscal Office	27,000	27,000
Army NG	Middletown	Readiness Center Add/Alt	0	0
	South Dakota			
Army NG	Watertown	Readiness Center	25,000	25,000
	Texas			
Army NG	Camp Maxey	Combat Pistol/Military Pistol Qualification Course	2,500	2,500
Army NG	Camp Swift	Urban Assault Course	2,600	2,600
	Washington			
Army NG	Tacoma	Combined Support Maintenance Shop	25,000	25,000
	West Virginia			
Army NG	Moorefield	Readiness Center	14,200	14,200
Army NG	Morgantown	Readiness Center	21,000	21,000
	Wisconsin			
Army NG	Madison	Aircraft Parking	5,700	5,700
Army NG	Wausau	Field Maintenance Shop	0	0
	Wyoming			
Army NG	Laramie	Field Maintenance Shop	14,400	14,400
	Guam			
Army NG	Barrigada	Combined Support Maint Shop Ph1	19,000	19,000
	Puerto Rico			
Army NG	Camp Santiago	Live Fire Shoot House	3,100	3,100
Army NG	Camp Santiago	Multipurpose Machine Gun Range	9,200	9,200
	Virgin Islands			
Army NG	St. Croix	Readiness Center (JFHQ)	25,000	25,000
	Unspecified			
Army NG	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning & Design	25,663	25,663
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	11,400	11,400
Total Military Construction, Army National Guard			**873,664**	**873,664**
	California			
Army Res	Fairfield	Army Reserve Center	26,000	26,000
Army Res	Fort Hunter Liggett	Equipment Concentration Site Tactical Equipment Maint Facility	22,000	22,000
Army Res	Fort Hunter Liggett	Equipment Concentration Site Warehouse	15,000	15,000
Army Res	Fort Hunter Liggett	Grenade Launcher Range	1,400	1,400
Army Res	Fort Hunter Liggett	Hand Grenade Familiarization Range (Live)	1,400	1,400
Army Res	Fort Hunter Liggett	Light Demolition Range	2,700	2,700
Army Res	Fort Hunter Liggett	Tactical Vehicle Wash Rack	9,500	9,500
	Florida			
Army Res	North Fort Myers	Army Reserve Center/Land	13,800	13,800
Army Res	Orlando	Army Reserve Center/Land	10,200	10,200
Army Res	Tallahassee	Army Reserve Center/Land	10,400	10,400
	Georgia			
Army Res	Macon	Army Reserve Center/Land	11,400	11,400
	Illinois			
Army Res	Quincy	Army Reserve Center/Land	12,200	12,200
Army Res	Rockford Usarc	Army Reserve Center	0	0

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Indiana			
Army Res	Michigan City	Army Reserve Center/Land	15,500	15,500
	Iowa			
Army Res	Des Moines	Army Reserve Center	8,175	8,175
	Massachusetts			
Army Res	Devens Reserve Forces Training Area	Automated Record Fire Range	4,700	4,700
	Missouri			
Army Res	Belton	Army Reserve Center	11,800	11,800
	New Jersey			
Army Res	Fort Dix	Automated Multipurpose Machine Gun Range	0	0
	New Mexico			
Army Res	Las Cruces	Army Reserve Center/Land	11,400	11,400
	New York			
Army Res	Binghamton	Army Reserve Center/Land	13,400	13,400
	Texas			
Army Res	Denton	Army Reserve Center/Land	12,600	12,600
Army Res	Fort Hood	Army Reserve Center	0	0
Army Res	Rio Grande	Army Reserve Center/Land	6,100	6,100
Army Res	San Marcos	Army Reserve Center/Land	8,500	8,500
	Virginia			
Army Res	Fort A.P. Hill	Army Reserve Center	15,500	15,500
Army Res	Fort Story	Army Reserve Center	11,000	11,000
Army Res	Roanoke	Army Reserve Center/Land	14,800	14,800
	Wisconsin			
Army Res	Fort Mccoy	AT/MOB Billeting Complex, Ph 1	9,800	9,800
Army Res	Fort Mccoy	Nco Academy, Ph 2	10,000	10,000
	Unspecified			
Army Res	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	25,900	25,900
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Total Military Construction, Army Reserve			**318,175**	**318,175**
	California			
N/MC Res	Twentynine Palms	Tank Vehicle Maintenance Facility	5,991	5,991
	Louisiana			
N/MC Res	New Orleans	Joint Air Traffic Control Facility	16,281	16,281
	Virginia			
N/MC Res	Williamsburg	Navy Ordnance Cargo Logistics Training Camp	21,346	21,346
	Washington			
N/MC Res	Yakima	Marine Corps Reserve Center	13,844	13,844
	Unspecified			
N/MC Res	Varlocs	Varlocs	0	0
N/MC Res	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Mcnr Unspecified Minor Construction	2,238	2,238
N/MC Res	Unspecified Worldwide Locations	Planning and Design	1,857	1,857
Total Military Construction, Naval Reserve			**61,557**	**61,557**
	Alabama			
Air NG	Montgomery Regional Airport (ANG) Base	Fuel Cell and Corrosion Control Hangar	7,472	7,472
Air NG	Montgomery Regional Airport (ANG) Base	Replace Squad Ops Facility	0	0
	Alaska			
Air NG	Eielson AFB	Add/Alter Communications Facility	0	0
	Arizona			
Air NG	Davis Monthan AFB	TFI—Predator FOC—Increased Mission Orbit Tasking	4,650	4,650
Air NG	Fort Huachuca	Total Force Integration—Predator Launch and Recovery Element Beddown	0	11,000
	Arkansas			
Air NG	Little Rock AFB	Fuel Cell and Corrosion Control Hangar	0	0
	Colorado			
Air NG	Buckely AFB	Taxiway Juliet and Lima	0	0
	Delaware			
Air NG	New Castle County Airport	C–130 Aircraft Maintenance Shops (Phase III)	0	0
Air NG	New Castle County Airport	Joint Forces Operations Center-ANG Share	1,500	1,500
	Florida			
Air NG	Jacksonville IAP	Security Forces Training Facility	6,700	6,700
	Georgia			
Air NG	Savannah/Hilton Head IAP	Relocate Air Supt Opers Sqdn (Asos) Fac	7,450	7,450
	Hawaii			
Air NG	Hickam AFB	F–22 Beddown Intrastructure Support	5,950	5,950
Air NG	Hickam AFB	F–22 Hangar, Squadron Operations and AMU	48,250	48,250
Air NG	Hickam AFB	F–22 Upgrade Munitions Complex	17,250	17,250
	Illinois			
Air NG	Capital Map	CNAF Beddown-Upgrade Facilities	16,700	16,700
	Indiana			
Air NG	Hulman Regional Airport	Asos Beddown-Upgrade Facilities	4,100	4,100
	Iowa			
Air NG	Des Moines	Corrosion Control Hangar	0	0
Air NG	Des Moines IAP	Corrosion Control Hangar	0	0

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Maryland			
Air NG	Martin State Airport	Replace Ops and Medical Training Facility	11,400	11,400
	Massachusetts			
Air NG	Barnes ANGB	Add to Aircraft Maintenance Hangar	0	0
Air NG	Barnes Municipal Airport	Additions and Renovations to Building 15	0	0
	Michigan			
Air NG	Alpena Combat Readiness Training Center	Replace Troop Quarters, Phase II	0	0
	Minnesota			
Air NG	Duluth	Load Crew Training and Weapon Release Shops	0	0
	New Jersey			
Air NG	177th Fighter Wing, Atlantic City	Fuel Cell and Corrosion Control Hanger	0	0
Air NG	Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	0	0
	New York			
Air NG	Fort Drum	Reaper Infrastructure Support	2,500	2,500
Air NG	Stewart IAP	Aircraft Conversion Facility	0	0
Air NG	Stewart IAP	Base Defense Group Beddown	14,250	14,250
	North Carolina			
Air NG	Stanly County Airport	Upgrade Asos Facilities	2,000	2,000
	Ohio			
Air NG	Toledo Express Airport	Replace Security Forces Complex	0	0
Air NG	Toledo Express Airport	Replace Security Forces Complex	0	0
	Oregon			
Air NG	Kingsley Field ANG Base	Replace Fire Station	0	0
	Pennsylvania			
Air NG	State College Angs	Add to and Alter AOS Facility	4,100	4,100
	Rhode Island			
Air NG	Quonset State Airport	C–130 Parking Apron	0	0
	South Carolina			
Air NG	Mcentire	Training/Operations Center	0	0
Air NG	Mcentire Joint National Guard Base	Replace Operations and Training	0	0
	South Dakota			
Air NG	Joe Foss Field	Aircraft Maintenance Shops	0	0
	Tennessee			
Air NG	Mcghee Tyson ANG Base	Hobbs Road Acquisition	0	0
Air NG	Nashville IAP	Renovate Intel Squadron Facilities	5,500	5,500
	Texas			
Air NG	Ellington Field	Upgrade Unmanned Aerial Vehicle Maintenance Hangar	0	7,000
	Vermont			
Air NG	Burlington International Airport	Upgrade Taxiways and Replace Arm/Disarm Pads	0	0
	West Virginia			
Air NG	Yeager AFB	Communications Training Fac.	0	0
Air NG	Yeager AFB	Force Protection/Antiterrorism	0	0
	Wisconsin			
Air NG	General Mitchell International Airport	Replace Fire Station	0	0
	Unspecified			
Air NG	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
Air NG	Unspecified Worldwide Locations	Minor Construction	8,000	8,000
Air NG	Unspecified Worldwide Locations	Planning & Design	9,214	9,214
Total Military Construction, Air National Guard			**176,986**	**194,986**
	Florida			
AF Res	Patrick AFB	Weapons Maintenance Facility	3,420	3,420
	New York			
AF Res	Niagara ARS	C–130 Flightline Operations Facility, Ph 1	0	0
	Unspecified			
AF Res	Varlocs	Varlocs	0	0
	Worldwide Unspecified			
AF Res	Unspecified Worldwide Locations	Planning and Design	1,653	1,653
AF Res	Various Worldwide Locations	Unspecified Minor Construction	2,759	2,759
Total Military Construction, Air Force Reserve			**7,832**	**7,832**
	Alaska			
FH Con Army	Fort Wainwright	Family Housing Replacement Constrution (110 Units)	21,000	21,000
	Germany			
FH Con Army	Baumholder	Family Housing Replacement Construction (64 Units)	34,329	34,329
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Construction Improvements (235 Units)	35,000	35,000
FH Con Army	Unspecified Worldwide Locations	Family Housing Planning & Design	2,040	2,040
Total, Family Housing Construction, Army			**92,369**	**92,369**
	Worldwide Unspecified			
FH Ops Army	Unspecified Worldwide Locations	Leasing	203,184	203,184
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	120,899	120,899
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	1,201	1,201
FH Ops Army	Unspecified Worldwide Locations	Operations	96,142	96,142
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	27,059	27,059
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	69,655	69,655

SEC. 3001. MILITARY CONSTRUCTION
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Account	State/Country and Installation	Project Title	Budget Request	Agreement
Total, Family Housing Operation And Maintenance, Army			**518,140**	**518,140**
	Guantanamo Bay, Cuba			
FH Con Navy	Guantanamo Bay	Replace GTMO Housing	37,169	37,169
Total, Family Housing Construction, Navy And Marine Corps			**37,169**	**37,169**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Classified Project	50	0
FH Con AF	Unspecified Worldwide Locations	Construction Improvments	73,750	73,800
Total, Family Housing Construction, Air Force			**73,800**	**73,800**
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design	3,255	3,255
FH Con Navy	Unspecified Worldwide Locations	Improvements	146,020	146,020
Total Family Housing Construction, Navy And Marine Corps			**149,275**	**149,275**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Planning & Design	4,225	4,225
Total Family Housing Construction, Air Force			**4,225**	**4,225**
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	14,478	14,478
FH Ops Navy	Unspecified Worldwide Locations	Leasing	97,484	97,484
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	87,134	87,134
FH Ops Navy	Unspecified Worldwide Locations	Management Account	63,551	63,551
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	464	464
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	26,526	26,526
FH Ops Navy	Unspecified Worldwide Locations	Services Account	16,790	16,790
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	59,919	59,919
Total Family Housing Operation And Maintenance, Navy And Marine Corps			**366,346**	**366,346**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	35,399	35,399
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	53,903	53,903
FH Ops AF	Unspecified Worldwide Locations	Leasing	95,143	95,143
FH Ops AF	Unspecified Worldwide Locations	Leasing Account	528	528
FH Ops AF	Unspecified Worldwide Locations	Maintenance	159,725	159,725
FH Ops AF	Unspecified Worldwide Locations	Maintenance Account	1,971	1,971
FH Ops AF	Unspecified Worldwide Locations	Management Account	1,561	1,561
FH Ops AF	Unspecified Worldwide Locations	Management Account	54,633	54,633
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	1,710	1,710
FH Ops AF	Unspecified Worldwide Locations	Services Account	19,974	19,974
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	89,245	89,245
Total Family Housing Operation And Maintenance, Air Force			**513,792**	**513,792**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	4,501	4,501
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	18	18
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,293	10,293
FH Ops DW	Unspecified Worldwide Locations	Leasing	34,124	34,124
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	707	707
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	70	70
FH Ops DW	Unspecified Worldwide Locations	Management Account	365	365
FH Ops DW	Unspecified Worldwide Locations	Operations	50	50
FH Ops DW	Unspecified Worldwide Locations	Services Account	29	29
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	10	10
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	297	297
Total Family Housing Operation And Maintenance, Defense-Wide			**50,464**	**50,464**
	Worldwide Unspecified			
HOAP	Unspecified Worldwide Locations	Homeowers Assistance Program	16,515	16,515
Total Homeowners Assistance Fund			**16,515**	**16,515**
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund	1,096	1,096
Total DOD Family Housing Improvement Fund			**1,096**	**1,096**
	Maryland			
BRAC 05	Bethesda (Wrnmmc)	Defense Access Roads—Medical Center Entrance	20,000	20,000
BRAC 05	Bethesda (Wrnmmc)	Traffic Mitigation, Incr 2	7,600	7,600
	Texas			
BRAC 05	Fort Sam Houston	San Antonio Military Medical Center (North), Incr 4	93,941	93,941
	Virginia			

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Account	State/Country and Installation	Project Title	Budget Request	Agreement
BRAC 05	Fort Belvoir	Hospital Replacement, Incr 5	63,637	63,637
BRAC 05	Fort Belvoir	NGA Headquarters Facility	83,328	83,328
BRAC 05	Fort Belvoir	Office Complex, Incr 4	5,610	5,610
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	Rescission	0	0
BRAC 05	Various	Environmental	19,555	19,555
BRAC 05	Various	Environmental	73,511	73,511
BRAC 05	Various	Environmental	15,201	15,201
BRAC 05	Various	Military Personnel Permanent Change of Station	1,456	1,456
BRAC 05	Various	Military Personnel Permanent Change of Station	1,277	1,277
BRAC 05	Various	Operation and Maintenance	476,764	476,764
BRAC 05	Various	Operation and Maintenance	99,570	99,570
BRAC 05	Various	Operation and Maintenance	887,231	887,231
BRAC 05	Various	Operation and Maintenance	321,888	321,888
BRAC 05	Various	Other	121,584	121,584
BRAC 05	Various	Other	3,601	3,601
BRAC 05	Various	Other	6,853	6,853
BRAC 05	Various	Other	51,678	51,678
Total Base Realignment and Closure Account 2005			**2,354,285**	**2,354,285**
	Worldwide Unspecified			
BRAC IV	Base Realignment & Closure, Air Force	Base Realignment & Closure	124,874	124,874
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure	73,600	73,600
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure	162,000	162,000
Total Base Realignment and Closure Account 1990			**360,474**	**360,474**
	Unspecified			
GR	Unspecified Worldwide Locations	General Reductions	0	0
Total General Reductions			**0**	
Total Military Construction			**18,747,368**	**18,190,547**

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
	Afghanistan			
Army	Airborne	Rotary Wing Parking	1,200	0
Army	Bagram AFB	Army Aviation HQ Facilities	0	0
Army	Bagram AFB	Barracks	0	0
Army	Bagram AFB	Command & Control Facility	13,600	13,600
Army	Bagram AFB	Consolidated Community Support Area	0	0
Army	Bagram AFB	Consolidated Laboratory	0	13,800
Army	Bagram AFB	Counter-Improvised Explosive Device Task Force Compound	24,000	24,000
Army	Bagram AFB	Detention Facility in Parwan Detainee Housing	23,000	0
Army	Bagram AFB	Dining Facility	2,650	6,000
Army	Bagram AFB	Eastside Electrical Distribution	0	0
Army	Bagram AFB	Eastside Utilities Infrastructure	0	0
Army	Bagram AFB	Entry Control Point	0	0
Army	Bagram AFB	Joint Defense Operations Center	0	0
Army	Bagram AFB	Military Police HQ	2,800	5,500
Army	Bagram AFB	Replace Temporary Guard Towers	5,500	5,500
Army	Bagram AFB	Role III Hospital	35,000	42,000
Army	Bagram AFB	Tanker Truck Off-Load Facility	5,700	0
Army	Bagram AFB	Task Force Freedom Compound	18,000	18,000
Army	Bagram AFB	Troop Housing, Ph 4	23,000	23,000
Army	Bagram AFB	Troop Housing, Ph 5	29,000	29,000
Army	Bagram AFB	Troop Housing, Ph 6	29,000	29,000
Army	Bagram AFB	Troop Housing, Ph 7	29,000	29,000
Army	Bagram AFB	Troop Housing, Ph 8	29,000	29,000
Army	Bagram AFB	Vet Clinic & Kennel	2,600	2,600
Army	Delaram Ii	Entry Control Point and Access Roads	0	4,400
Army	Dwyer	Dining Facility	6,000	9,000
Army	Dwyer	Entry Control Point	5,100	5,100
Army	Dwyer	Rotary Wing Apron	44,000	44,000
Army	Dwyer	Wastewater Treatment Facility	16,000	16,000
Army	Frontenac	Waste Management Complex	4,200	4,200
Army	Frontenac	Wastewater Treatment Facility	4,200	4,200
Army	Jalalabad	Rotary Wing Parking	1,100	0
Army	Kandahar	Command & Control Facility	5,200	5,200
Army	Kandahar	North Area Utilities, Ph 2	21,000	26,000
Army	Kandahar	Special Operations Forces Joint Operations Center	6,000	9,200
Army	Kandahar	Troop Housing, Ph 4	20,000	20,000
Army	Kandahar	Troop Housing, Ph 5	20,000	20,000
Army	Kandahar	Troop Housing, Ph 6	20,000	0
Army	Kandahar	Troop Housing, Ph 7	20,000	0

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Army	Maywand	Wastewater Treatment Facility	7,000	7,000
Army	Shank	Ammunition Supply Point	25,000	23,000
Army	Shank	Electrical Utility Systems, Ph 2	0	6,400
Army	Shank	Expand Extended Cooperation Programme 1 and Extended Cooperation Programme 2.	16,000	16,000
Army	Shank	Guard Towers	2,400	5,200
Army	Shank	Roads and Utilities, Ph 1	8,000	25,000
Army	Shank	Special Operations Forces Parking Apron	0	15,000
Army	Shank	Wastewater Treatment Plant	0	7,700
Army	Sharana	Bulk Materials Transfer Station	12,400	12,400
Army	Shindand	Medical Facility	7,700	0
Army	Shindand	Waste Management Complex	0	6,100
Army	Tarin Kowt	Medical Facility	5,500	0
Army	Tarin Kowt	Rotary Wing Parking and Taxiway, Ph 2	24,000	24,000
Army	Tarin Kowt	Wastewater Treatment Facility	4,200	5,600
Army	Tombstone/Bastion	Command & Control HQ	0	13,600
Army	Tombstone/Bastion	Contingency Housing	41,000	0
Army	Tombstone/Bastion	Dining Facility	12,800	27,000
Army	Tombstone/Bastion	Paved Roads	0	9,800
Army	Tombstone/Bastion	Rotary Wing Parking	35,000	35,000
Army	Tombstone/Bastion	Waste Management Complex Expansion	0	14,200
Army	Tombstone/Bastion	Wastewater Treatment Facility	13,000	13,000
Army	Various Locations	Air Pollution Abatement	0	0
Army	Various Locations	Community Facilities	0	0
Army	Various Locations	Hospital and Medical Facilities	0	0
Army	Various Locations	Operational Facilities	0	0
Army	Various Locations	Route Gypsum, Ph 1	40,000	50,000
Army	Various Locations	Route Gypsum, Ph 2	0	50,000
Army	Various Locations	Supply Facilities	0	0
Army	Various Locations	Supporting Activities	0	0
Army	Various Locations	Troop Housing Facilities	0	0
Army	Various Locations	Utility Facilities	0	0
Army	Wolverine	Perimeter Fence	5,100	0
Army	Wolverine	Rotary Wing Apron	24,000	0
Army	Wolverine	Wastewater Treatment Facility	13,000	13,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Minor Construction	78,330	78,330
Army	Unspecified Worldwide Locations	Planning & Design	89,716	79,716
Army	Unspecified Worldwide Locations	Rescission (Public Law 111–117)	0	0
Army	Unspecified Worldwide Locations	Transfer to DOD Inspector General	0	7,000
Total Military Construction, Army			**929,996**	**981,346**
	Bahrain Island			
Navy	Sw Asia	Navy Central Command Ammunition Magazines	0	0
Navy	Sw Asia	Operations & Support Facilities	0	0
	Djibouti			
Navy	Camp Lemonier	General Warehouse	0	0
Navy	Camp Lemonier	Pave External Roads	0	0
Total Military Construction, Navy			**0**	
	Afghanistan			
AF	Bagram AFB	Consolidated Rigging Facility	0	0
AF	Bagram AFB	Fighter Hanger	0	0
AF	Bagram AFB	Medevac Ramp Expansion/Fire Station	0	0
AF	Kandahar	Expand Cargo Handling Area	7,100	0
AF	Kandahar	Expeditionary Airlift Shelter	7,400	0
AF	Sharana	Runway	35,000	0
AF	Shindand	Passenger & Cargo Terminal	15,800	0
AF	Tombstone/Bastion	Expand Fuels Operations and Storage	2,500	0
AF	Tombstone/Bastion	Parallel Taxiway	86,000	0
AF	Tombstone/Bastion	Refueler Apron	55,000	0
AF	Various Locations	Maintenance and Production Facilities	0	0
AF	Various Locations	Operational Facilities	0	0
AF	Various Locations	Supply Facilities	0	0
AF	Warrior	Runway	8,700	0
	Bahrain Island			
AF	Sw Asia	North Apron Expansion	0	0
	Oman			
AF	AL Musannah	Airlift Ramp & Fuel Facilities	0	69,000
	Qatar			
AF	AL Udeid	Blatchford-Preston Complex, Ph 3	0	0
AF	AL Udeid	Tactical Ramp/Vehicle Maintenance Facility	0	63,000
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Planning & Design	13,422	13,422
AF	Unspecified Worldwide Locations	Rescission (Public Law 111–117)	0	0
AF	Unspecified Worldwide Locations	Unspecified Minor Construction—FY11 OCO	49,584	49,584
Total Military Construction, Air Force			**280,506**	**195,006**
	Conus Classified			
Def-Wide	Classified Location	Classified Project	41,900	41,900

SEC. 3002. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Agreement
Def-Wide	Worldwide Unspecified	Planning and Design	4,600	4,600
	Qatar			
Def-Wide	AL Udeid	Qatar Warehouse	0	0
Total Military Construction, Defense-Wide			**46,500**	**46,500**
Total Military Construction			**1,257,002**	**1,222,852**

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Aircraft procurement.
Sec. 3112. Biennial plan on modernization and refurbishment of the nuclear security complex.
Sec. 3113. Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile.
Sec. 3114. Notification of cost overruns for certain Department of Energy projects.
Sec. 3115. Establishment of cooperative research and development centers.
Sec. 3116. Future-years defense environmental management plan.
Sec. 3117. Extension of authority of Secretary of Energy for appointment of certain scientific, engineering, and technical personnel.
Sec. 3118. Extension of authority of Secretary of Energy to enter into transactions to carry out certain research projects.
Sec. 3119. Extension of authority relating to the International Materials Protection, Control, and Accounting Program of the Department of Energy.
Sec. 3120. 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. 3121. Repeal of sunset provision for modification of minor construction threshold for plant projects.
Sec. 3122. Enhancing private-sector employment through cooperative research and development activities.
Sec. 3123. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.
Sec. 3124. Department of Energy energy parks program.

Subtitle C—Reports

Sec. 3131. Report on graded security protection policy.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $11,214,755,000, to be allocated as follows:

(1) For weapons activities, $7,028,835,000.

(2) For defense nuclear nonproliferation activities, $2,667,167,000.

(3) For naval reactors, $1,070,486,000.

(4) For the Office of the Administrator for Nuclear Security, $448,267,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) Project 11–D–801, reinvestment project phase 2, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,000,000.

(2) Project 11–D–601, sanitary effluent reclamation facility expansion, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,588,039,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for other defense activities in carrying out programs necessary for national security in the amount of $878,209,000.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2011 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. AIRCRAFT PROCUREMENT.

Of the amounts authorized to be appropriated and made available for obligation under section 3101(1) for weapons activities for any fiscal year before fiscal year 2012, the Secretary of Energy may procure not more than two aircraft.

SEC. 3112. BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by inserting after section 4203 the following new section:

"SEC. 4203A. BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

''(a) IN GENERAL.—In each even-numbered year, beginning in 2012, the Administrator for Nuclear Security shall include in the plan for maintaining the nuclear weapons stockpile required by section 4203 a plan for the modernization and refurbishment of the nuclear security complex.

''(b) PLAN DESIGN.—

''(1) IN GENERAL.—The plan required by subsection (a) shall be designed to ensure that the nuclear security complex is capable of supporting the following:

''(A) Except as provided in paragraph (2), the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

''(B) The nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

''(2) EXCEPTION.—If, at the time the plan is submitted under subsection (a), a national security strategy report has not been submitted to Congress under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the plan required by subsection (a) shall be designed to ensure that the nuclear security complex is capable of supporting the national defense strategy recommended in the report of the most recent Quadrennial Defense Review.

''(c) PLAN ELEMENTS.—The plan required by subsection (a) shall include the following:

''(1) A description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements of—

''(A) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) or the national defense strategy recommended in the report of the most recent Quadrennial Defense Review, as applicable under subsection (b); and

''(B) the Nuclear Posture Review.

''(2) A schedule for implementing the measures described in paragraph (1) during the ten years following the date on which the plan for maintaining the nuclear weapons stockpile required by section 4203 and into which the plan required by subsection (a) is incorporated is submitted to Congress under section 4203(c).

''(3) Consistent with the budget justification materials submitted to Congress in support of the Department of Energy budget for the fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), an estimate of the annual funds the Administrator determines necessary to carry out the plan required by subsection (a), including a discussion of the criteria, evidence, and strategies on which the estimate is based.

''(d) FORM.—The plan required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

''(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—

''(1) ASSESSMENT REQUIRED.—For each plan required by subsection (a), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

''(A) An analysis of the plan, including—

''(i) whether the plan supports the requirements of the national security strategy of

the United States or the most recent Quadrennial Defense Review, whichever is applicable under subsection (b), and the Nuclear Posture Review; and

''(ii) whether the modernization and refurbishment measures described under paragraph (1) of subsection (c) and the schedule described under paragraph (2) of such subsection are adequate to support such requirements.

''(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security complex.

''(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security complex facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

''(i) supporting the annual certification of the nuclear weapons stockpile under section 4203; and

''(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

''(2) REPORT REQUIRED.—Not later than 180 days after the date on which the Administrator submits the plan required by subsection (a), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

''(f) DEFINITIONS.—In this section:

''(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of the following:

''(A) The national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

''(B) The Kansas City Plant, Kansas City, Missouri.

''(C) The Nevada Test Site, Nevada.

''(D) The Savannah River Site, Aiken, South Carolina.

''(E) The Y-12 National Security Complex, Oak Ridge, Tennessee.

''(F) The Pantex Plant, Amarillo, Texas.

''(2) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4203 the following new item:

''Sec. 4203A. Biennial plan on modernization and refurbishment of the nuclear security complex.''.

SEC. 3113. COMPTROLLER GENERAL ASSESSMENT OF ADEQUACY OF BUDGET REQUESTS WITH RESPECT TO THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR WEAPONS STOCKPILE.

(a) IN GENERAL.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended to read as follows:

''SEC. 3255. COMPTROLLER GENERAL ASSESSMENT OF ADEQUACY OF BUDGET REQUESTS WITH RESPECT TO THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR WEAPONS STOCKPILE.

''(a) GAO STUDY AND REPORTS.—(1) For the nuclear security budget materials submitted in each fiscal year by the Administrator, the Comptroller General of the United States shall conduct a study on whether both the budget for the fiscal year following the fiscal year in which such budget materials are submitted and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex.

''(2) Not later than 90 days after the date on which the Administrator submits the nuclear security budget materials, the Comptroller General shall submit to the congressional defense committees a report on the study under paragraph (1), including—

''(A) the findings of such study; and

''(B) whether the nuclear security budget materials support the requirements for infrastructure recapitalization of the facilities of the nuclear security complex.

''(b) DEFINITIONS.—In this section:

''(1) The term 'budget' means the budget for a fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

''(2) The term 'nuclear security budget materials' means the materials submitted to Congress by the Administrator in support of the budget for a fiscal year.

''(3) The term 'nuclear security complex' means the physical facilities, technology, and human capital of the following:

''(A) The national security laboratories.

''(B) The Kansas City Plant, Kansas City, Missouri.

''(C) The Nevada Test Site, Nevada.

''(D) The Savannah River Site, Aiken, South Carolina.

''(E) The Y-12 National Security Complex, Oak Ridge, Tennessee.

''(F) The Pantex Plant, Amarillo, Texas.''.

(b) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3255 and inserting the following new item:

''Sec. 3255. Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile.''.

SEC. 3114. NOTIFICATION OF COST OVERRUNS FOR CERTAIN DEPARTMENT OF ENERGY PROJECTS.

(a) IN GENERAL.—Subtitle A of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2741 et seq.) is amended by adding at the end the following new section:

''SEC. 4713. NOTIFICATION OF COST OVERRUNS FOR CERTAIN DEPARTMENT OF ENERGY PROJECTS.

''(a) ESTABLISHMENT OF COST AND SCHEDULE BASELINES.—

''(1) STOCKPILE LIFE EXTENSION PROJECTS.—

''(A) IN GENERAL.—The Administrator for Nuclear Security shall establish a cost and schedule baseline for each nuclear stockpile life extension project of the National Nuclear Security Administration.

''(B) PER UNIT COST.—The cost baseline developed under subparagraph (A) shall include, with respect to each life extension project, an estimated cost for each warhead in the project.

''(C) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Administrator shall submit the cost and schedule baseline to the congressional defense committees.

''(2) DEFENSE-FUNDED CONSTRUCTION PROJECTS.—

''(A) IN GENERAL.—The Secretary of Energy shall establish a cost and schedule baseline under the project management protocols of the Department of Energy for each construction project that is—

''(i) in excess of $50,000,000; and

''(ii) carried out by the Department using funds authorized to be appropriated for a fiscal year pursuant to a DOE national security authorization.

''(B) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Secretary shall submit the cost and schedule baseline to the congressional defense committees.

''(3) DEFENSE ENVIRONMENTAL MANAGEMENT PROJECTS.—

''(A) IN GENERAL.—The Secretary shall establish a cost and schedule baseline under the project management protocols of the Department of Energy for each defense environmental management project that is—

''(i) in excess of $50,000,000; and

''(ii) carried out by the Department pursuant to such protocols.

''(B) NOTIFICATION TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after establishing a cost and schedule baseline under subparagraph (A), the Secretary shall submit the cost and schedule baseline to the congressional defense committees.

''(b) NOTIFICATION OF COSTS EXCEEDING BASELINE.—The Administrator or the Secretary, as applicable, shall notify the congressional defense committees not later than 30 days after determining that—

''(1) the total cost for a project referred to in paragraph (1), (2), or (3) of subsection (a) will exceed an amount that is equal to 125 percent of the cost baseline established under subsection (a) for that project; and

''(2) in the case of a stockpile life extension project referred to in subsection (a)(1), the cost for any warhead in the project will exceed an amount that is equal to 200 percent of the cost baseline established under subsection (a)(1)(B) for each warhead in that project.

''(c) NOTIFICATION OF DETERMINATION WITH RESPECT TO TERMINATION OR CONTINUATION OF PROJECTS.—Not later than 90 days after submitting a notification under subsection (b) with respect to a project, the Administrator or the Secretary, as applicable, shall—

''(1) notify the congressional defense committees with respect to whether the project will be terminated or continued; and

''(2) if the project will be continued, certify to the congressional defense committees that—

''(A) a revised cost and schedule baseline has been established for the project and, in the case of a stockpile life extension project referred to in subparagraph (A) or (B) of subsection (a)(1), a revised estimate of the cost for each warhead in the project has been made;

''(B) the continuation of the project is necessary to the mission of the Department of Energy and there is no alternative to the project that would meet the requirements of that mission; and

''(C) a management structure is in place adequate to manage and control the cost and schedule of the project.

''(d) APPLICABILITY OF REQUIREMENTS TO REVISED COST AND SCHEDULE BASELINES.—A revised cost and schedule baseline established under subsection (c) shall—

''(1) be submitted to the congressional defense committees with the certification submitted under subsection (c)(2); and

''(2) be subject to the notification requirements of subsections (b) and (c) in the same manner and to the same extent as a cost and schedule baseline established under subsection (a).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4712 the following new item:

''Sec. 4713. Notification of cost overruns for certain Department of Energy projects.''.

SEC. 3115. ESTABLISHMENT OF COOPERATIVE RESEARCH AND DEVELOPMENT CENTERS.

(a) COOPERATIVE RESEARCH AND DEVELOPMENT CENTERS.—

(1) IN GENERAL.—Section 4813 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2794) is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) COOPERATIVE RESEARCH AND DEVELOPMENT CENTERS.—(1) Subject to the availability of appropriations provided for such purpose, the Administrator for Nuclear Security shall establish a cooperative research and development center described in paragraph (2) at each national security laboratory.

''(2) A cooperative research and development center described in this paragraph is a center to foster collaborative scientific research, technology development, and the appropriate transfer of research and technology to users in addition to the national security laboratories.

''(3) In establishing a cooperative research and development center under this subsection, the Administrator—

''(A) shall enter into cooperative research and development agreements with governmental, public, academic, or private entities; and

''(B) may enter into a contract with respect to constructing, purchasing, managing, or leasing buildings or other facilities.''.

(2) DEFINITION.—Subsection (c) of such section, as redesignated by paragraph (1)(A), is amended by adding at the end the following new paragraph:

''(5) The term 'national security laboratory' has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).''.

(3) SECTION HEADING.—The heading of such section is amended by inserting ''and cooperative research and development centers'' after ''partnerships''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4813 and inserting the following new item:

''Sec. 4813. Critical technology partnerships and cooperative research and development centers.''.

SEC. 3116. FUTURE-YEARS DEFENSE ENVIRONMENTAL MANAGEMENT PLAN.

(a) IN GENERAL.—Title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by inserting after section 4402 the following new section:

''SEC. 4402A. FUTURE-YEARS DEFENSE ENVIRONMENTAL MANAGEMENT PLAN.

''(a) IN GENERAL.—The Secretary of Energy shall submit to Congress each year, at or about the same time that the President's budget is submitted to Congress for a fiscal year under section 1105(a) of title 31, United States Code, a future-years defense environmental management plan that—

''(1) reflects the estimated expenditures and proposed appropriations included in that budget for the Department of Energy for environmental management; and

''(2) covers a period that includes the fiscal year for which that budget is submitted and not less than the four succeeding fiscal years.

''(b) ELEMENTS.—Each future-years defense environmental management plan required by subsection (a) shall contain the following:

''(1) A detailed description of the projects and activities relating to defense environmental management to be carried out during the period covered by the plan at the sites specified in subsection (c) and with respect to the activities specified in subsection (d).

''(2) A statement of proposed budget authority, estimated expenditures, and proposed appropriations necessary to support such projects and activities.

''(3) With respect to each site specified in subsection (c), the following:

''(A) A statement of each milestone included in an enforceable agreement governing cleanup and waste remediation for that site for each fiscal year covered by the plan.

''(B) For each such milestone, a statement with respect to whether each such milestone will be met in each such fiscal year.

''(C) For any milestone that will not be met, an explanation of why the milestone will not be met and the date by which the milestone is expected to be met.

''(c) SITES SPECIFIED.—The sites specified in this subsection are the following:

''(1) The Idaho National Laboratory, Idaho.

''(2) The Waste Isolation Pilot Plant, Carlsbad, New Mexico.

''(3) The Savannah River Site, Aiken, South Carolina.

''(4) The Oak Ridge National Laboratory, Oak Ridge, Tennessee.

''(5) The Hanford Site, Richland, Washington.

''(6) Any defense closure site of the Department of Energy.

''(7) Any site of the National Nuclear Security Administration.

''(d) ACTIVITIES SPECIFIED.—The activities specified in this subsection are the following:

''(1) Program support.

''(2) Program direction.

''(3) Safeguards and security.

''(4) Technology development and deployment.

''(5) Federal contributions to the Uranium Enrichment Decontamination and Decommissioning Fund established under section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4402 the following new item:

''Sec. 4402A. Future-years defense environmental management plan.''.

SEC. 3117. EXTENSION OF AUTHORITY OF SECRETARY OF ENERGY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

SEC. 3118. EXTENSION OF AUTHORITY OF SECRETARY OF ENERGY TO ENTER INTO TRANSACTIONS TO CARRY OUT CERTAIN RESEARCH PROJECTS.

Section 646(g)(10) of the Department of Energy Organization Act (42 U.S.C. 7256(g)(10)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2015''.

SEC. 3119. EXTENSION OF AUTHORITY RELATING TO THE INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE DEPARTMENT OF ENERGY.

Section 3156(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 50 U.S.C. 2343(b)(1)) is amended by striking ''January 1, 2013'' and inserting ''January 1, 2018''.

SEC. 3120. 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.

(a) ENVIRONMENTAL RESTORATION.—If the Secretary of Energy determines under any authority previously established by law that a parcel of land described in subsection (c) requires environmental restoration or remediation, the Secretary shall, to the maximum extent practicable, complete the environmental restoration or remediation of the parcel not later than September 30, 2022, and otherwise in compliance with such law.

(b) CONVEYANCE OR TRANSFER.—If the Secretary determines under any authority previously established by law that environmental restoration or remediation cannot reasonably be expected to be completed with respect to a parcel of land described in subsection (c) by September 30, 2022, the Secretary shall not convey or transfer the parcel of land.

(c) PARCELS OF LAND.—A parcel of land described in this subsection is a parcel of land under the jurisdiction or administrative control of the Secretary at or in the vicinity of Los Alamos National Laboratory that the Secretary has previously identified as suitable for conveyance or transfer in a report submitted to the congressional defense committees prior to the date of the enactment of this Act.

SEC. 3121. REPEAL OF SUNSET PROVISION FOR MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

(a) MINOR CONSTRUCTION THRESHOLD.—Paragraph (3) of section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741(3)), as amended by section 3118(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2709), is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(b) NOTIFICATION.—Section 3118(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2709) is amended by striking ''during fiscal year 2010''.

SEC. 3122. ENHANCING PRIVATE-SECTOR EMPLOYMENT THROUGH COOPERATIVE RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—The Administrator for Nuclear Security shall encourage cooperative research and development activities at the national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)) that lead to the creation of new private-sector employment opportunities.

(b) REPORTS.—Not later than January 31 of each year from 2012 through 2017, the Administrator shall submit to Congress a report detailing the number of new private-sector employment opportunities created as a result of the previous years' cooperative research and development activities at each national security laboratory.

SEC. 3123. LIMITATION ON USE OF FUNDS FOR ESTABLISHMENT OF CENTERS OF EXCELLENCE IN COUNTRIES OUTSIDE OF THE FORMER SOVIET UNION.

Not more than $500,000 of the funds authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities may be obligated or expended to establish a center of excellence in a country that is not a state of the former Soviet Union until the date that is 15 days after the date on which the Administrator for Nuclear Security submits to the congressional defense committees a report that includes the following:

(1) An identification of the country in which the center will be located.

(2) A description of the purpose for which the center will be established.

(3) The agreement under which the center will operate.

(4) A funding plan for the center, including—

(A) the amount of funds to be provided by the government of the country in which the center will be located; and

(B) the percentage of the total cost of establishing and operating the center the funds described in subparagraph (A) will cover.

SEC. 3124. DEPARTMENT OF ENERGY ENERGY PARKS PROGRAM.

(a) IN GENERAL.—The Secretary of Energy may establish a program to permit the establishment of energy parks on former defense nuclear facilities.

(b) OBJECTIVES.—The objectives for establishing energy parks pursuant to subsection (a) are the following:

(1) To provide locations to carry out a broad range of projects relating to the development and deployment of energy technologies and related advanced manufacturing technologies.

(2) To provide locations for the implementation of pilot programs and demonstration projects for new and developing energy technologies and related advanced manufacturing technologies.

(3) To set a national example for the development and deployment of energy technologies and related advanced manufacturing technologies in a manner that will promote energy security, energy sector employment, and energy independence.

(4) To create a business environment that encourages collaboration and interaction between the public and private sectors.

(c) CONSULTATION.—In establishing an energy park pursuant to subsection (a), the Secretary shall consult with—

(1) the local government with jurisdiction over the land on which the energy park will be located;

(2) the local governments of adjacent areas; and

(3) any community reuse organization recognized by the Secretary at the former defense nuclear facility on which the energy park will be located.

(d) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the program under subsection (a). The report shall include such recommendations for additional legislative actions as the Secretary considers appropriate to facilitate the development of energy parks on former defense nuclear facilities.

(e) DEFENSE NUCLEAR FACILITY DEFINED.—In this section, the term ''defense nuclear facility'' has the meaning given the term ''Department of Energy defense nuclear facility'' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

Subtitle C—Reports

SEC. 3131. REPORT ON GRADED SECURITY PROTECTION POLICY.

(a) REPORT.—Not later than February 1, 2011, the Secretary of Energy shall submit to the congressional defense committees a report on the implementation of the graded security protection policy of the Department of Energy.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) A comprehensive plan and schedule (including any benchmarks, milestones, or other deadlines) for implementing the graded security protection policy.

(2) An explanation of the current status of the graded security protection policy for each site with respect to the comprehensive plan under paragraph (1).

(3) An explanation of the Secretary's objective end-state for implementation of the graded security protection policy (such end-state explanation shall include supporting justification and rationale to ensure that robust and adaptive security measures meet the graded security protection policy requirements).

(4) Identification of each site that has received an exception or waiver to the graded security protection policy, including the justification for each such exception or waiver.

(5) A schedule for ''force-on-force'' exercises that the Secretary considers necessary to maintain operational readiness.

(6) A description of a program that will provide proper training and equipping of personnel to a certifiable standard.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2011, $28,640,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,614,000 for fiscal year 2011 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2011.

Sec. 3502. Extension of Maritime Security Fleet program.

Sec. 3503. United States Merchant Marine Academy nominations of residents of the Northern Mariana Islands.

Sec. 3504. Research authority.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2011.

Funds are hereby authorized to be appropriated for fiscal year 2011, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $100,020,000, of which—

(A) $63,120,000 shall remain available until expended for Academy operations;

(B) $6,000,000 shall remain available until expended for refunds to Academy midshipmen for improperly charged fees; and

(C) $30,900,000 shall remain available until expended for capital improvements at the Academy.

(2) For expenses necessary to support the State maritime academies, $15,007,000, of which—

(A) $2,000,000 shall remain available until expended for student incentive payments;

(B) $2,000,000 shall remain available until expended for direct payments to such academies; and

(C) $11,007,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $10,000,000.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000, of which $3,688,000 shall remain available until expended for administrative expenses of the program.

SEC. 3502. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

Chapter 531 of title 46, United States Code, is amended—

(1) in section 53104(a), by striking ''2015'' and inserting ''2025'';

(2) in section 53106(a)(1)(C), by striking ''for each fiscal years 2012, 2013, 2014, and 2015'' and inserting ''for each of fiscal years 2012 though 2025''; and

(3) in section 53111(3), by striking ''2015'' and inserting ''2025''.

SEC. 3503. UNITED STATES MERCHANT MARINE ACADEMY NOMINATIONS OF RESIDENTS OF THE NORTHERN MARIANA ISLANDS.

Section 51302(b) of title 46, United States Code, is amended—

(1) in paragraph (3), by inserting ''the Northern Mariana Islands,'' after ''Guam,''; and

(2) by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

SEC. 3504. RESEARCH AUTHORITY.

Section 51301 title 46, United States Code, is amended—

(1) by inserting ''as an institution of higher education'' after ''Academy''; and

(2) by striking ''States.'' and inserting ''States, to conduct research with respect to maritime-related matters, and to provide such other appropriate academic support, assistance, training, and activities in accordance with the provisions of this chapter as the Secretary may authorize.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1150

Mr. SKELTON. I yield myself such time as I might consume.

Mr. Speaker, today is the beginning of the end of a long journey, a journey that started with the submission of the President's budget on February 1, 2010. The law requires the President to send us a budget, and he did his duty.

But our obligation in concerning the budget goes deeper. The Founding Fathers entrusted Congress with the care of the Armed Forces. The Constitution, article I, section 8 requires that we here in Congress raise and support Armies, provide and maintain a Navy,

and make rules for the government and regulation of the land and naval forces. That is our duty.

Most of you, like me, have spent time with our troops overseas. Their dedication, their courage, their devotion never cease to amaze me. Their service and sacrifice is matched only by that of their families who bear the same burden. Their sacrifice is, at times, almost unbearable. Yet they do it, and not for us but for the American people. However, we bear the awesome burden of repaying their sacrifice.

For 48 consecutive years, the Congress has carried out its duty to the men and women of the military by passing a defense authorization bill. It is a job that has never been easy. There have been many years where we have almost failed. In my 34 years here in Congress, through 12 military conflicts, including the most divisive wars in American history, the Congress has wavered but never failed.

This bill is a must-pass piece of legislation. Don't let anyone tell you different. There are literally hundreds of needed provisions in here that will not become law any other way. I have time to only name a few. This bill stops an increase in health care fees from hitting the families of military personnel. It authorizes military families to extend TRICARE coverage to their dependent children until age 26. And it adopts comprehensive legislation fighting sexual assault in the military. It creates a counter-IED database, and it enhances the effort to develop new, lightweight body armor. It gives DOD new tools and authorizes it to reduce its energy demand while improving military readiness. It bolsters our defense against cyberattacks. It requires independent assessments of the National Nuclear Security Administration modernization plan and of the annual budget request for sustaining a strong deterrent. It aligns the Navy's long-term shipbuilding plan with the QDR. It includes significant acquisition reform, the Improve Acquisition Act of 2010 which could save as much as $135 billion over the next 5 years. It provides for critical funding for our warfighters. It allows for a 1.4 percent raise in pay for our troops. It provides funding for training equipment to sustain the Afghan security forces. It provides essential funding to keep weapons of mass destruction out of the hands of terrorists. It creates additional positions for mental health care providers to treat our warriors who come home in need. It extends a number of special pay and bonuses for our brave warfighters.

Now some Members are claiming, falsely, that the language in the bill on the Guantanamo detainees is not strong enough. Let me tell you what the bill actually does. It prohibits the transfer or release of detainees into the United States or its territories. It prohibits the use of any DOD funding to build or modify any DOD facility in our country for the detention of any Guantanamo Bay detainee. This restriction applies not only to Thompson, Illinois, but to the whole country. It prohibits the transfer or release of any Guantanamo Bay detainee to any country which has received a detainee and allowed that detainee to return to the battlefield.

This the most thorough and comprehensive set of restrictions ever placed on the transfer and release of detainees. It is substantially stronger than current law, and voting against this bill will have the effect of making it easier to bring detainees into the United States, easier to transfer them to other countries that have failed to hold them in the past.

We all know that this year's journey toward passage has been rancorous and difficult, like few others. No one is happy with everything that has been done in the bill. That is just the nature of Congress. In finding common ground, we have to give a little bit. We cannot give when it comes to supporting the men and women in the Armed Forces. We stand today on the dividing line between success and failure. We do not fail now. Let's finish the journey. Vote for the National Defense Authorization Act.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to speak with a heavy heart for a couple of reasons. One is the process that has brought us to this point. And the other is that this will be the last defense bill for my good friend and partner on the committee, IKE SKELTON, our chairman.

He has been a force on the committee and within the defense community for decades. The way he has conducted business on the committee sets an example for all members of the committee and for this Congress to follow.

Considering IKE's legacy, the actions of the Democratic leaders in the Senate and the House are all the more frustrating to me. They have made it completely clear that they place a higher priority on repealing the Pentagon's Don't Ask, Don't Tell policy than on the National Defense Authorization Act.

The procedure that is set up in the House for passing legislation is, for the House to pass a bill, it goes through committee, goes through hearings. Finally it is passed by the committee, passed on the floor. And then a similar process should be followed in the Senate. And then once those two bills have been passed, we have conferees appointed. The conferees get together and negotiate the differences in the bills, and final bills are brought back to the floor.

To this date, we have not had a Senate bill passed on the floor. So this brings us to this point without a Senate bill and giving individual Senators the opportunity to have a line-item veto on the House bill after we pass it here and send it back over.

Many of the provisions that we have passed in our bill went through a semi-conference, and some of the provisions which were championed by the House, including a higher pay raise for our troops than the statutorily mandated pay raise of 1.4 percent, a provision which would have exempted critical force protection and medevac personnel from any troop cap in Afghanistan, and several provisions regarding the Nation's nuclear and missile defense policies, those found themselves on the cutting room floor of the conference. Most of those provisions have significant support in the House of Representatives.

Mr. Speaker, the American people have spoken. And in the process that we had, the election, they are demanding a process that is better than the one that got us to this point. They want a legislative process that works to provide our troops with the resources they need, not a process that is held up for months and then rushed through in the waning minutes of a lame duck session.

The process in the Senate, coupled with the Democratic leadership's goal of advancing legislation to repeal Don't Ask, Don't Tell ahead of the annual defense authorization bill, has politicized the National Defense Authorization Act, and it's indicative of a flawed process with misguided priorities. In a time of war, Mr. Speaker, this is unconscionable.

One thing I can promise to the American people and to our military: They will no longer be used as a political football. We will return to regular order in the next Congress, and I think that is something that we can all look forward to with pleasure.

Now, back to my good friend, the chairman on the committee. I want to commend him for years of service to this Nation, to this Congress, to the people that he has represented. We all owe him a debt of gratitude, and I have appreciated working with him, especially in these last 2 years, as I had the opportunity to serve as the ranking member alongside him. We will all miss him. IKE, we owe you much and appreciate your service.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I appreciate the kind words of the gentleman from California (Mr. MCKEON). It has been an absolute pleasure to work with him, and I compliment him on his future role in this Congress as the head of this fantastic committee. I know he will make us proud and make all of our Congress Members proud in his leadership next year. I thank him very, very much.

I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK), my friend and my colleague.

□ 1200

Mr. FRANK of Massachusetts. Mr. Speaker, I join the ranking member in paying tribute to the extraordinary

public service of our colleague from Missouri who really exemplifies what it means to be a legislator of integrity and commitment and effectiveness.

I do, however, want to differ with his rather distorted picture of the history here when he says we went outside of regular order. This House passed the Defense bill under regular order with committee hearings and debate on the floor. We sent it to the Senate. Because some Senators objected to repealing Don't Ask, Don't Tell, which was included in the Defense bill to start with 17 years ago, it was twice filibustered. The reason we are here now is that twice Republican minorities filibustered the bill. That was the breakdown of regular order.

But here we are today. Speaker PELOSI and Leader HOYER took a very important stance and said, when the Senate asked us, we will break Don't Ask, Don't Tell off from the regular bill, but we want to be sure both passes, and that is what we are in the process of doing. To the credit of the Senate leader and Senator LIEBERMAN, they will be voting on cloture for Don't Ask, Don't Tell tomorrow.

In light of that, while there is much in this bill with which I disagree, I strongly urge those who share many of my views to vote for it. Let me be very clear, I think it is very important to repeal Don't Ask, Don't Tell. I honor the work that was done under the leadership of the gentleman from Missouri, although I have some disagreements with it. But the point is that the success of the repeal of Don't Ask, Don't Tell is tied to the success of this bill in a perfectly reasonable way. In legislatures, people need to compromise. So I am going to vote for this bill. I vote for it knowing that tomorrow the Senate will begin cloture. There will be things in this total bill that many of us will like and dislike, but I think it speaks well of the Nation and the process we are going through. And I urge those who share some of my objections to some pieces of this bill to vote for it so we can go ahead and get the whole thing done. I would also point out that even if we were to defeat this bill, much of what I don't like would happen in the appropriations bill.

So I urge those who join me in having concerns about Don't Ask, Don't Tell to help us pass this bill and get this thing going.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the ranking member on the Military Personnel Subcommittee.

Mr. WILSON of South Carolina. Mr. Speaker, we stand here today 7 months after the House passed its version of the 2011 defense authorization bill because the leadership of the other body dithered instead of doing the right thing for all members of our armed services. As a result, the Senate has not passed its version of the defense authorization. Then in a last minute rush to get a defense bill, any defense bill, we stand on the floor today to debate for 40 minutes under suspension of the rules a 900-page bill, a $600 billion measure that is a stripped down, weakened version of what the House enacted in May.

We may hear some good things about the bill, but let me remind Members that this rush to have a bill has cost the men and women in uniform. This bill is stripping out key House provisions in the name of expediency. It falls short in many ways.

This bill is named in honor of Chairman IKE SKELTON who has devoted years of dedicated service to the men and women of the Armed Forces. I want to say thank you to Chairman SKELTON for his unwavering commitment to the House of Representatives, to the Committee on Armed Services, and to every man and woman who is serving in uniform now and for the past 35 years.

Regretfully, this bill which he heavily influenced through passage in the House does not fully reflect his lifelong commitment and dedication. Despite the omissions in the bill, I will reluctantly urge Members to support the bill.

Mr. SKELTON. I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN), the chairman of the Subcommittee on Strategic Forces.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I rise today in strong support of H.R. 6523. I would like to first of all thank Chairman SKELTON for his dedication to national security and bipartisan leadership on our committee. I congratulate him on this bill which is appropriately named in his honor.

The bill before us today strengthens our critical strategic programs, including increasing the reliability, safety and security of our nuclear arsenal. It reduces the risk of nuclear proliferation to terrorists by funding these urgent efforts above last year's levels. It also enhances our missile defenses by supporting the President's phased adaptive approach and preserving a hedge against potential threats from Iran and North Korea.

And, finally, it sustains our national security space assets by supporting near-term warfighter needs, space protection, and space situational awareness. This bill is integral to our national security, and I strongly urge its adoption today.

I would be remiss, however, if I didn't say how disappointed I was that certain cyber-provisions that I included in the original National Defense Authorization Act were not retained in the final bill. The United States is very vulnerable to a cyberattack, and we are woefully unprepared. I will continue to pursue this as a top priority in the next Congress.

I thank the chairman for his great work on this bill.

I rise in strong support of H.R. 6523, the National Defense Authorization Act for Fiscal Year 2011.

I would like to thank Chairman SKELTON for his extraordinary dedication to national security and bipartisan leadership on our Committee. And I would like to congratulate him on this bill, and I am extremely proud that our FY2011 National Defense Authorization bill is named in his honor.

This bill authorizes and strengthens critical national security programs of our strategic forces, providing robust defenses against the most pressing threats to U.S. national security.

It provides $7 billion for weapons activities, and additional $624 million over last year's funding, to strengthen the reliability, safety and security of our nuclear arsenal. It establishes criteria and independent reviews to increase accountability in this vital area of national security.

It reduces the risk that nuclear weapons might spread to other countries or to terrorists intent on targeting thousands of innocent lives by providing full funding to key nonproliferation efforts. This includes $530.5 million over last year's level to strengthen these urgent efforts.

It makes important investments to support effective development and deployment of missile defenses against current and emerging threats to the United States and our allies. It protects our troops and allies by strengthening theater missile defenses. It supports the President's Phased Adaptive Approach to missile defense in Europe, requiring close cooperation with our European allies and effective testing. And it preserves a hedge against potential long-range missile threats from Iran and North Korea to our homeland, and requires an independent assessment to ensure we proceed with a reliable plan.

The bill also sustains our vital unclassified national security space assets, by supporting near-term war fighter needs, and strengthening space situational awareness and space protection.

While I am pleased to see the defense bill include many of these positive strategic items, I am also greatly disheartened that language enhancing our national cybersecurity efforts were removed from the final version of this bill. Our government is under attack every single day in cyberspace, yet we lack the coordination and strategy to properly defend ourselves or operate efficiently online. Recent issues such as the Wikileak's Cablegate, the STUXNET Virus and the disclosure of high level attacks on our Department of Defense only drive home the urgency of addressing this crisis with a strong coordinated response.

While there are many important provisions for the Department of Defense cyber efforts in this bill, the DOD already has the assets to begin addressing this crisis. The real challenges lie in securing our federal networks and developing a real comprehensive policy for addressing transnational threats as well as engaging international partners. I will continue to push this issue as a top national security priority next year.

I want to once again thank Chairman SKELTON and congratulate him on moving this bill forward. It supports our critical national security priorities, and I strongly recommend its adoption today.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the ranking member on the Readiness Subcommittee.

Mr. FORBES. Mr. Speaker, I, too, want to echo my compliments to the

chairman for his service to this body and to the armed services of this country. But 7 months ago, Mr. Speaker, when this bill passed, my good friend, the chairman, said that there was no difference between Republicans and Democrats regarding the fighting of terrorism and where we stood. We passed a provision out of here that prohibited terrorists at Guantanamo Bay from coming to the United States. Unfortunately, that provision was left out of this bill until about 2 hours ago when it was put in, but it has a huge difference because it is only for 1 year.

Mr. Speaker, the problem with that is 2 years ago when this administration came in, a prosecution of the worst terrorists that had ever hit the United States, the 9/11 defendants, was under way and had been under way for 18 months—56 motions. The prosecutor said we would have had a guilty plea within 6 months. This administration not only stopped all of that prosecution, but has refused for the last 2 years to prosecute the worst terrorists that have ever hit this soil. And when we put a provision in there that said we would never bring those detainees to this soil, it sent a message to them, go ahead and prosecute them.

With this provision, Mr. Speaker, what we are now saying is, because of our majority on the other side, well, give us another year to think about it. But, Mr. Speaker, I am optimistic for two reasons: one, because I believe next year we will have a bill that we won't be at the 11th hour doing; and, secondly, I know under the ranking member who will become the chairman, he will fight to make sure that we permanently prohibit those detainees from ever touching U.S. soil.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend and colleague, the gentleman from Arkansas (Mr. SNYDER), the chairman of the Subcommittee on Oversight and Investigations.

Mr. SNYDER. Probably there is no greater honor serving in the House than to support our military families. Each of us on the Armed Services Committee, as well as do all Members of the Congress, take this responsibility very seriously. No one has served more honorably than the gentleman from Missouri (Mr. SKELTON). No one is a prouder honorary marine than the gentleman from Missouri (Mr. SKELTON). Semper fi, Mr. Chairman.

One important provision in this bill gives military families the same right civilian families now have to keep children up to age 26 on their insurance. That will not occur unless this bill passes, and I strongly recommend a vote for the bill.

Mr. MCKEON. Mr. Speaker, the gentleman who just spoke, Mr. SNYDER, is also leaving us. He retired. I want to thank him for the years of service that he rendered to this committee and to this Congress and to the Nation.

At this time, Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the ranking member on the Strategic Forces Subcommittee.

Mr. TURNER. Mr. Speaker, I would like to thank Ranking Member MCKEON for his leadership on our committee and certainly for his support for our men and women in uniform in what has been this long year of trying to get a bill passed for the National Defense Authorization Act.

I would also like to thank our chairman, IKE SKELTON. IKE is leaving us with an incredibly distinguished career. He has led the Armed Services Committee in an incredibly bipartisan way. I know that on both sides of the aisle, people have appreciated his leadership, his counsel, and his dedication to what is a strong national defense.

But I must rise to point out that this bill really shouldn't be the Ike Skelton National Defense Authorization Act; this should be the Nancy Pelosi National Defense Authorization Act. It is just a shame that this House and our committee labored for a year to put together a bill. The Senate never passed a bill. What we have before us is not what came out of our committee. It is not what came out of the subcommittees. It is not what was passed here on the House floor. In the NANCY PELOSI fashion of running this House, this bill was drafted somewhere in a back room in the Capitol and then brought forward for everyone to read.

□ 1210

This is not the way that we should be doing a bill.

One of the things that has been left on the table that should be in here is protection of our men and women in uniform and their custody rights. We had a provision in the bill that passed this House that would have prevented family law courts from across this country taking custody away from our men and women in uniform when they returned from deployment, based upon their absence.

There are a number of provisions that were in the bill that was passed by this House that should have remained in it. Instead, we get this truncated process and a bill that was drafted in a back room. Unfortunately, this does not serve our men and women in uniform, and it doesn't serve our national security. We are going to pass a truncated bill that is going to do limited things when we had an opportunity to take the year-long process of the deliberations of this body and really improve the circumstances for our men and women and our national defense.

Mr. SKELTON. I yield 1 minute to my friend, the chairwoman of the Subcommittee on Terrorism, the gentlewoman from California (Ms. SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the chairman.

For our portion of the legislation, the Terrorism, Unconventional Threats and Capabilities Subcommittee focused on several of the Defense Department's most important challenges: The fight to interrupt the flow of violent extremists and the ideological underpinning of radicalization; the development and the deployment of innovative and critical technologies; and defending our homeland from attacks and managing the consequences of catastrophic incidents, including natural disasters, and, of course, trying to get our arms around cybersecurity of this Nation.

It has been an honor to serve as the chairwoman of the subcommittee. And, more importantly, Mr. Chairman, to IKE SKELTON, it has been an honor to serve with you these 14 years on this committee. I urge my colleagues to pass this bill.

For our portion of the legislation, the Terrorism, Unconventional Threats and Capabilities Subcommittee, focused on several of the Defense Department's most important challenges:

The fight to interrupt the flow of violent extremists and the ideological underpinnings of radicalization;

The development and deployment of innovative and critical technologies; and

Defending our homeland from attacks and managing the consequences of catastrophic incidents including natural disasters.

It has been an honor serving as the chairwoman of this subcommittee and I would like to thank Chairman SKELTON for the opportunity and we will truly miss you.

The subcommittee fully funds U.S. Special Operations Command (SOCOM) with more than $9.8 billion dollars to improve the readiness and capabilities of our Special Operations Forces.

The subcommittee also provides an additional $301.5 million to support unfunded requirements articulated by U.S. Special Operations Command, bringing the total authorized amount for SOCOM to more than $10 billion dollars.

Support for our Special Operations Forces demonstrates the subcommittee's commitment to SOCOM's critical mission areas, including counterterrorism, counterinsurgency, unconventional warfare and counter-proliferation activities across the world.

Our subcommittee mark also includes provisions that will require the Secretary of Defense to develop new strategies to counter irregular warfare challenges.

It is important that we keep in mind the fact that we cannot kill our way out of this struggle against violent extremists.

Therefore, the subcommittee provides language and funding to improve the Department's use of science and technology, and support emerging areas of research that enhance our ability to deal with challenges from radicalization and irregular warfare.

The subcommittee mark also funds initiatives designed to strengthen our cybersecurity activities, and other efforts that will help us better understand how to better counter adversarial and extremists' use of the internet.

The TUTC mark also includes guidance to enhance the research capabilities of defense laboratories, as well as additional funding for science, technology, engineering and mathematics workforce initiatives that will ensure the DOD has a competent and diverse pipeline of skilled scientists and engineers.

Finally, as with the previous fiscal year, the committee fully funds the Defense Threat Reduction Agency, Chemical Biological Defense and Chemical Demilitarization programs.

These important provisions ensure our military remains up-to-date and ready to prevent and respond to major attacks.

As you can see, this subcommittee's mark looks outside the normal realm of our traditional threats and force protection.

I believe this subcommittee's mark is not just authorizing programs, but more importantly, encouraging innovation within the Department of Defense.

I want to thank Members for their expertise and input.

And I would also like to thank the TUTC Committee Staff, Tim McClees, Alex Kugajevksy, Eryn Robinson, Kevin Gates, Peter Villano, and Andrew Tabler.

As before, the TUTC subcommittee worked in a bipartisan way to craft authorizing language covering each of these critical areas for the Department of Defense.

I would especially like to thank Ranking Member JEFF MILLER (R–FL) for his contribution.

And I would also like to thank Chairman ORTIZ and the Readiness subcommittee for their help in ensuring that we are able to include valuable personnel and laboratory authorities that will make certain that the Department of Defense is able to recruit and retain the highest caliber scientists and engineers needed to ensure our technological superiority, now and in the future.

This is a critical concern for our subcommittee, and we continue to pay special attention to these and other technology issues.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), the ranking member on the Oversight and Investigations Subcommittee.

Mr. WITTMAN. Mr. Speaker, I would like to begin by recognizing Ranking Member MCKEON for his leadership and for his thoughtfulness in this whole process of leading the House Armed Services Committee on the minority side.

I also want to recognize our outgoing chairman, IKE SKELTON. What a tremendous legacy of service to this Nation, of devotion to our men and women in uniform. I know everybody out there that has served this Nation during his time in Congress is better off for his leadership here on the House Armed Services Committee, and I thank him for that.

He has been a mentor to many of us on the committee. Every once in a while taking his hand, placing it on your shoulder, giving you a thoughtful word or a little advice or a little input on this whole process that we go through here has really affected many of us on the House Armed Services Committee, and I thank him deeply for that.

We have before us the national defense authorization bill, which I'm happy to support but disappointed in the process and how we have gotten here. I'm concerned in that the House put a significant amount of effort into passing a national defense authorization act, with all the members having their input there and with, I think, there being a very thoughtful process. The concern now is that we have a bill before us very different than the one that came before the House previously, one that had been crafted without that transparency, without that input of all the members of the committee. Again, that disturbs all of us. The process needs to go through where everybody's thoughts and ideas are incorporated into the bill.

I hope and I am confident, in the future, that will not happen again. Our men and women in uniform deserve better. They deserve the total commitment to make sure that we do everything possible to pass a national defense authorization act that has all the provisions in there that each member of the committee has worked so hard to put in there.

Mr. SKELTON. I yield 1 minute to the distinguished majority leader of our House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the distinguished chairman of the Armed Services Committee, one of the great leaders with whom I have had the opportunity to serve over these last three decades, a man of great character, extraordinary intellect, and unbridled commitment to the men and women who serve in our Armed Forces.

I think all of us who have had the opportunity of serving with IKE SKELTON of Missouri have been impressed by his commitment, awed by his depth of knowledge, and encouraged for the security of our country by his leadership. So I rise to pay tribute. This bill is named in his honor. This will be the last bill that he will shepherd as chairman.

Two of the Members of the minority side have spoken and lamented the process that we are following today. I shared that lamentation. And I say to my friends, the reason we are in this pickle is because members of your party in the United States Senate would not allow us to proceed under regular order even though regular order had a majority of votes in the United States Senate. So it is nice to complain and wring our hands, but if obstructionism is the objective in the other body, then regular order has been denied us.

We have an option. We can say they denied us regular order and, therefore, we failed; or, we can do what we did last night—take something that's not perfect but is better than inaction.

IKE SKELTON, CARL LEVIN, and JOHN MCCAIN worked very hard. And, as I understand it, the door was open to an invitation as well on your side.

I rise in strong support of this bill, not because I believe it is a perfect bill, but I believe it is a necessary bill. This defense authorization bill is about securing our Nation in stronger and smarter ways. It builds on our strong record of putting new and better weapons into the battlefield, increasing support for human intelligence collection, cybersecurity, and security for our skies and our ports and our borders, and looking out for our troops, our veterans, and, importantly, their families as well.

This bill authorizes crucial national security programs for fiscal year 2011; much better than a CR, short-term or long-term. It promotes efforts to disrupt and destroy terrorist networks and strengthens the ability of our Special Forces to act directly against terrorist organizations. It increases our international cooperation against terrorists, especially against the Taliban in Afghanistan and Pakistan.

Because of the changing threats in the post-Cold War world, this bill, as well, invests in ballistic missile defense and nuclear counterproliferation, including the President's efforts to secure all of the world's known vulnerable nuclear material in the next 4 years.

The defense authorization bill also supports the well-being of our troops and the strength of our Armed Forces. It keeps TRICARE strong and ensures that military families can keep their children on TRICARE until they are 26.

It also reduces strain on our forces by providing 7,000 more personnel for the Army and 5,000 for the Air Force, while helping all of the services rebuild their worn-down equipment and weapons systems.

This bill is an important bill for us to pass. It will pass on a bipartisan basis, and I appreciate that, and I want to thank Mr. MCKEON for his efforts to make sure that we pass it on a bipartisan basis. He recognizes, as I do, as Mr. SKELTON recognizes, this is not the best process. We could have done and should have done better. Frankly, we did better.

Seven months ago, we passed a bill that has been referred to as the work product of a bipartisan effort to keep our country strong and to make sure that our men and women in uniform were well thought of, well cared for, well equipped, and we made them as safe as possible.

□ 1220

That was not to happen. Our responsibility is therefore to do the best we can. This appears to be the best we can.

I am not surprised that IKE SKELTON never wavered for a minute in trying to make sure that we passed a bill that was worthy of the men and women who risk their lives and are ready to be deployed at a moment's notice to defend our freedom and our country.

IKE SKELTON, we are proud to be your colleague. You have served your country well, you have served this institution well, and you have been as good a friend as our men and women in the Armed Forces have ever had. America is indeed blessed by God and by the service of men and women of the character, intellect and commitment of people like you.

Thank you, IKE SKELTON.

Mr. MCKEON. Mr. Speaker, may I inquire as to the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from California has 8½ minutes

remaining and the gentleman from Missouri has 9½ minutes remaining.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), the ranking member on the Air and Land Forces Subcommittee.

Mr. BARTLETT. I thank the gentleman for yielding.

When I came to the Congress 18 years ago, I was assigned to the Armed Services Committee. The subcommittee slots on Armed Services are determined by seniority and Member preferences. We all get together in a room and we select our committees, and as the more popular committees are filled, less and less opportunities are available to junior Members. For reasons that I am not sure I fully understand, the Personnel Subcommittee is always the last to fill up, and since I was the lowest ranking person on the Republican side, I ended up on the Personnel Subcommittee.

IKE SKELTON was then senior enough on the Democrat side that he chaired that Personnel Subcommittee. And those were tough times for the military. We really didn't have enough money, and I remember that IKE was really stressed. He was stressed to the point that he was actually emotional that we didn't have enough money to meet the needs of our service people.

I saw then a Congressman who was deeply concerned about the military, and I remember how all of us on the subcommittee were relieved when the appropriators gave us another $1 billion. Do you remember that, IKE? It was Jack Murtha who led that fight, and we got another $1 billion for our personnel.

I have now worked with IKE and served with him for these last 18 years. I have gone with him on really hard-working CODELs.

IKE, I can't imagine a more dedicated person, someone more interested in our troops, more knowledgeable about our military, more concerned about the future of our country. It has been, sir, an honor to work with you, and I am certainly going to support the Ike Skelton National Defense Authorization Act.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Air and Land Forces, who very shortly will be the ranking member of the entire Committee on Armed Services, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, first of all, I want to add my congratulations to our chairman, IKE SKELTON, for his outstanding service to this Congress and more than anything for his outstanding service to our troops. Anyone who has worked with IKE, anyone who has worked on this committee, knows that that is always his first priority, the men and women who serve in our military, and they could not possibly have had a better advocate through his years on the Armed Services Committee. He will be missed.

Once again, he has done his job and done it well. Every year he has made sure that we get a defense authorization bill passed, and it has not always been easy. Certainly it was not easy this year. But he got it done, I should say with the able assistance of the ranking member, soon to be chairman, BUCK MCKEON. That is one thing we agree on in a bipartisan way: We get this bill done.

It is always important. It is especially important when we have troops in harm's way in Afghanistan and Iraq to get the authorizing bill done, to make sure that we give our troops and the militarily the support that it deserves.

Now, I will disagree on the process. It is wrong and just not factual to blame the House leadership for the process that we have today. We got our job done. We did it. We passed the bill. The Senate didn't act on it. The only alternative we had was to put this slimmed down bill up today or have no bill at all, which we all agree is not acceptable. If the Senate had acted, we would have had a much better bill. But as it is, we have a very good bill because of the hard work of both Republicans and the Democrats on the committee.

The one issue that I do want to mention, however, is the bone of contention here, and that is the issue of where terrorists can be held, tried, or dealt with. This bill prohibits them from being brought into the United States.

We are not going to be able to continually offshore bringing these terrorists to justice. There are legal problems that can come down on us and jeopardize our ability to deal with them in the way we need to if we continue to have this blocked. Nobody wants them here, but will we have find a way to deal with them.

I worry that the language in this bill restricts it in a way that could jeopardize our ability to properly deal with these folks that threaten us so greatly. I hope going forward we will figure out a reasonable resolution to that.

But, again, I congratulate IKE SKELTON. Also on our side of the aisle, not just Mr. SKELTON, but Mr. SPRATT, Mr. ORTIZ, Mr. TAYLOR, Mr. SNYDER and Mr. Abercrombie, who left a little while ago. We lost a lot of folks off the top row of the Armed Services Committee. They have all served our country well, and they have my admiration and the admiration of all Americans.

Mr. MCKEON. Mr. Speaker, I would like to echo the words of Mr. SMITH in honoring all of those men that he just mentioned that served for so many years on this committee.

At this time I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I want to echo the comments that have been made here regarding IKE SKELTON. It is fairly rare when someone so nobly transcends political party and even persuasions to try to do what he or she believes is right for the country and for the future of humanity. I congratulate him and wish him the best God can give him everywhere he goes from this point forward.

Thank you, sir.

Mr. Speaker, they say that the crux of leadership is being able to differentiate between the critical and the peripheral, and I believe more than anything else today, the challenge before us in this process is that we have allowed the peripheral to overcome the critical, and this process has been subject to that failure on our part.

To correct the record on one point, the majority says that the minority Members of the Senate stopped this bill. What they did was to try to resist an effort to use the national defense authorization bill as a vehicle for cultural and social engineering. That is something that both parties should avoid doing now and in the future, because I believe that it is a disgrace to the country and a disgrace to the process.

Our focus here should be on doing that thing that most likely protects and defends the freedom in this country and allows it to go forth as a beacon of hope for the whole world. In the future, I would hope that we would see the national defense authorization bill protected as a bill strictly designed to defend and protect the arsenal of freedom and the cause of human freedom in general. We owe that to the American people, we owe that to the men and women in this country that are in the military, and we owe it to the cause of human freedom.

Mr. SKELTON. I yield 1 minute to my friend the gentlewoman from California (Mrs. DAVIS), the chair of the Subcommittee on Military Personnel.

Mrs. DAVIS of California. Mr. Speaker, before I briefly summarize the Personnel Subcommittee portion of the Ike Skelton National Defense Authorization Act, I want to thank the bill's namesake.

Chairman SKELTON, as my colleagues on both sides of the aisle have said, has been a most extraordinary leader, and I am personally very grateful for his mentorship. Our country, Mr. SKELTON, IKE, is better for your service, and you will be greatly missed.

The bill before us improves the quality of life for our servicemembers, for their families and military survivors, and I am pleased that the chairman as well as my colleagues have spoken about how important these personnel issues are. In fact, we know our national security is embodied in our people who serve.

□ 1230

There are many important elements to that bill. It allows a 1.4 percent pay raise to keep pace with the private sector; authorizes TRICARE beneficiaries to extend health coverage to children up to age 26 and bars increases in medical care premiums; improves access to mental health and other medical providers; and it puts in place recommendations for sexual assault prevention from the Defense Task Force

on Sexual Assault in the Military Services.

I urge my colleague to support the Ike Skelton National Defense Authorization Act.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. THORNBERRY), a member of the committee, who will be the vice chairman of the committee in the next Congress.

Mr. THORNBERRY. Mr. Speaker, I, too, want to rise and express my respect and gratitude for a number of the senior members of this committee who will not be with us in the next Congress: the gentleman from South Carolina (Mr. SPRATT), the gentleman from Mississippi (Mr. TAYLOR), my colleague from Texas (Mr. ORTIZ), and my friend from Arkansas, Dr. SNYDER. Each of them have made innumerable contributions not only to the committee but to national security.

Mr. Speaker, I think it is absolutely appropriate to name a defense authorization bill after our chairman, Mr. SKELTON, who, over the totality of his career, has made innumerable contributions not only to this body and to the committee, but to the national security of the country.

I think it is unfortunate that this particular bill has followed the tortured process it has in getting here. In some ways, it's unworthy of the contributions that the gentleman from Missouri has made over the course of his career. I think it is going to be very important for us moving forward to try to, just as we return the House to a more regular order where Members can make contributions, that the whole process of a defense authorization bill can return to a more regular order.

I'd like to just mention a couple of provisions. One was mentioned on bringing detainees here from Guantanamo. Mr. Speaker, I think it's important to have that provision here, but we should remember that how we got here was a rash and irresponsible campaign promise by the President that he was going to close Guantanamo within the first year. And as the administration has tried to dodge and weave its way around keeping that promise, we have come to a virtual standstill on bringing those detainees through a judicial process. I hope that this bill is the first step towards making that happen, getting back to a regular judicial process for those detainees.

The other provision I want to mention is the acquisition reform, an important first step to be sure, but it will be very important for this committee also to follow it up and measure the effectiveness, because every dollar spent is critical to be effective.

Mr. SKELTON. I yield 1 minute to my friend and colleague, the chairman of the Subcommittee on Seapower, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Mr. Speaker, I come to rise in support of this bill, but most of all, to tell the American people what a great man this bill is named after. Under his guidance, the House Armed Services Committee, the first hearing that was held under his leadership was to address the problem of underbody explosions to American vehicles. Under IKE SKELTON, the previous Secretary of Defense wanted to build 5,000 mine-resistant vehicles. The first hearing under IKE's watch was to discuss the possibility of building mine-resistant vehicles. We set the bar at 15,000. The next day, the new Secretary of Defense, Secretary Gates, said, No, it's not going to be 15,000. It's going to be 17,000. Now that number stands at about 19,000.

What has that accomplished? In 2005, the Mississippi Guard went to Iraq. Twenty-eight of my fellow Mississippians died from underbody explosions to vehicles. In 2009, the Mississippi Guard went back to Iraq. They were attacked 85 times. They did not lose a limb, they did not lose a life, because of the mine-resistant vehicles they were traveling in.

On IKE SKELTON's watch, the fleet has grown by seven ships. We have a friendly game of one-upmanship in this Chamber, incoming Mr. Chairman. I've got believe IKE SKELTON set the bar very high for you. I look forward to you doing even better.

IKE SKELTON, thank you for the magnificent job you've done in saving the lives of our troops.

Mr. MCKEON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY), a member of the committee.

Mr. CONAWAY. I, too, want to add my deep respect and gratitude to the outgoing chairman, IKE SKELTON, a man that I have come to know and love these 4 years under his tutelage in the chairmanship, and I wish him and his terrific wife, Patty, all the very best in the next chapter in their life.

I also want to brag on the fact that the acquisition reform language made it into the final cut. A lot of work went into that from really good folks. I'm looking forward to being part of the monitoring system to make sure that it gets implemented properly.

As a part of that, we're also anxious to continue to hold the Department of Defense and all of the various branches' feet to the fire with respect to auditable financial statements. As you know, the Department of Defense cannot audit its own books today. It is an important initiative. There are great folks in the Pentagon working hard. I'm looking forward to the next 2 years, being a part of that process that makes sure they continue to have the resources they need to get the audit work done so that the Department of Defense can tell the American people that they are, in fact, spending the money that we so preciously allot to them properly in the way to go.

Again, let me add one last thank you to IKE SKELTON for his tutelage and mentorship over the years on the committee. We're going to miss you, IKE, sir, and all the best and Godspeed in your next career.

The SPEAKER pro tempore. The gentleman from California has 1 minute remaining and the gentleman from Missouri has 5½ minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend, the distinguished gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding and rise in emphatic support of the IKE SKELTON National Defense Authorization Act for Fiscal Year 2011.

This bill, as befits its title, makes record investments in our Nation's military, authorizing $725 billion to strengthen national security. Our friends on the other side of the aisle have said that they would do things differently next year. It'll be interesting to see whether or not this becomes a high water mark for defense spending, given the deficits, debt, and other fiscal policy obstacles that remain in our future, that loom over our future. This bill fully funds operations in Afghanistan and Iraq, while modernizing the force to prepare and be ready for the threats of today and the wars of tomorrow.

Mr. Chairman, I have served on the Armed Services Committee for 28 years. I have always believed that our first order of business is to fund the defense of this Nation. This will be the last defense authorization bill on which I have had the honor of working side by side with my great friend, IKE SKELTON. I will be honored to cast my final vote for a good bill that funds our deployed troops, keeps our many commitments, and secures the Nation of threats foreign and abroad and bears the name of a real patriot, a great patriot, ISAAC NEWTON SKELTON, known to all of us and loved by all of us by the name of IKE.

I urge my colleagues to join us in supporting this bill with this worthy name.

The SPEAKER pro tempore. The gentleman from California has 1½ minutes remaining and the gentleman from Missouri has 4 minutes remaining.

Mr. MCKEON. I reserve the balance of my time.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS), a member of our committee.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I want to first associate myself with the remarks from my friend Mr. CONAWAY and the work we had the chance to do together on acquisition reform. And I'm so proud to cast this vote for a bill that's so aptly named after IKE SKELTON.

The measure of a person's achievement is not found in the pages of lawbooks or in the annals of politics. The measure of Chairman SKELTON's achievement is the improvement in the quality of life of troops around the

world. This morning, Mr. Chairman, because of you, they are safer; they are better trained; they are better equipped; and, most importantly—and I know this matters to you—their families and their loved ones are in better schools, better housing, and they have better health care.

The chairman has always said that each year was going to be the ''year of the troops.'' He said it every year, and he meant it. Because every year that he served in this Congress, on this committee, and as its chairman, he made it the ''year of the troops.'' His contribution will go far beyond the years and far beyond this bill.

It's an honor to serve with this chairman. Thank you, on behalf of those who wear the uniform of this country, for your selfless patriotism and service to them.

□ 1240

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to a member of our committee, the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise in support of the Ike Skelton National Defense Authorization Act.

The bill provides critical authorities for the Department of Defense to ensure that the military buildup on Guam is implemented successfully.

I especially thank Chairman SKELTON and Ranking Member MCKEON for ensuring that the most important parts of H.R. 44, the Guam World War II Loyalty Recognition Act, were incorporated into this bill. This provision is so important to my constituents, and it is connected to the success for the military buildup.

Finally, I thank Chairman SKELTON for his steadfast and unwavering support of Guam. We will miss his leadership on the committee and in this body, but it is a well-deserved honor to have this bill named after Chairman SKELTON. I urge support of its passage.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to my colleague and my friend, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, one of the ways that IKE SKELTON's legacy will be remembered for a long time is with the $15.7 billion authorization for shipbuilding in this legislation, which will continue this country on the path towards a cost-effective goal of 314 ships, which many chairmen and people who preceded him gave lip service to; but, under his leadership over the last 4 years, we have steadily made progress reforming the LCS Shipbuilding Program and getting to two submarines a year—a goal which was set forth back in 2002 but that finally, with this authorization bill, will be achieved.

In Connecticut a few short months ago, he gave the keynote address at the USS *Missouri*'s commissioning, which was a proud day for the State of Connecticut and the State of Missouri.

Again, his leadership in terms of getting our Navy to the level we need for our national security is something that we should all pay homage to as it will be remembered for many years to come.

The SPEAKER pro tempore. The gentleman from California has 1½ minutes remaining, and the gentleman from Missouri has 2 minutes remaining.

Mr. MCKEON. I continue to reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Washington (Mr. DICKS).

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, I wanted to rise today to celebrate the great career of IKE SKELTON.

He and I were classmates. We came here in 1976—he went on the Armed Services Committee; I went on the Appropriations Committee—and we have always worked together.

The issue that I have always enjoyed working with IKE on is the B–2 bomber, the Stealth Bomber. We worked on that. We went out to Missouri many times, to Whiteman. I think that was one of the finest weapons systems that has been developed, and we worked together on converting it to a conventional bomber, which made it a lot more effective, and it has been utilized.

I want to also say that IKE has a tremendous concern about the troops. He has got family members who serve in the military, and he has always been an advocate for the troops. I just want to commend him on his outstanding career and on his great service to this country. The fact that this bill is being named after him is totally appropriate.

I ask everyone to support the bill.

Mr. MCKEON. I continue to reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Missouri has 1 minute remaining. The gentleman from California has 1½ minutes remaining.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to my friend, the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Chairman SKELTON, America thanks you. The troops in Texas thank you, and all of the troops around the world thank you.

I thank you for strengthening your commitment to service men and women and their families.

Readiness has been your challenge. I thank you for that. For strengthening the military forces, for making sure they have the right, secure, safe, and the most technologically sophisticated equipment, I thank you.

Likewise, let me say to you: For your demeanor and spirit, for the tears you shed for those who lost their lives, you have never wavered; and for the service that you gave as a young man in the United States military, I cannot thank you enough.

I come today to support this Ike Skelton bill and to ask my colleagues to pay tribute to this American hero.

Mr. Speaker, I rise in strong support of H.R. 6523, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

As a Member of both the Foreign Affairs and Homeland Security Committees, I highly commend Chairman IKE SKELTON for his steadfast leadership and tireless efforts to invest in our military to increase our national security. I join him in strongly supporting the men and women of our Armed Forces; they make the greatest of sacrifices to ensure our national security as a matter of duty. So, I stand here today to say to my colleagues here in Congress, that ''now it is our duty to take care of the military families who take care of us!''

This defense bill reflects our commitment to support the men and women who fight to secure not only our citizen's freedom, but the freedom of others. In H.R. 6523, Chairman IKE SKELTON and the Armed Services Committee provide the necessary resources to protect the American people and our national interests at home and abroad.

The National Defense Authorization Act for Fiscal Year 2011 makes record investments in our Nation's military, authorizing a $725 billion budget to further strengthen our national security, provide our brave men and women in uniform with the tools to do their jobs, and take care of our servicemembers and their families who make sacrifices right there beside them. It utilizes a sound and balanced strategy to provide the resources we need to sustain two wars today and to be prepared for the threats of tomorrow—whatever and wherever they may be.

This legislation: Strengthens counterterrorism efforts and force protection; strengthens missile defense; strengthens nuclear nonproliferation; strengthens support for servicemembers and their families; strengthens military forces; and strengthens defense acquisition.

The National Defense Authorization Act for Fiscal Year 2011, further strengthens our national security by continuing Congress' work to provide the necessary funding, authorities, and oversight for those who defend America from terrorists. It fully supports President Obama's counterinsurgency strategy in Afghanistan, the nation that served as the genesis for multiple attacks against America, including the terrorist attacks of September 11, 2001. The President's plan in Afghanistan continues to show clear signs of tactical success, putting us on the road toward ensuring that Afghanistan will no longer be used as a safe haven for terrorists.

The bill provides the resources to successfully implement this new strategy and continues to fix the dramatic shortfalls of the previous Administration, when the war in Afghanistan was the forgotten war. It supports the President's strategy on both sides of the border, helping to strengthen the relationship with

Pakistan by expanding Coalition Support Funds. Additionally, it supports the President's efforts to strengthen strategic partnerships with key nations, such as Yemen.

The National Defense Authorization Act for Fiscal Year 2011, also takes unprecedented steps to strengthen our missile defense, continuing to move away from the Cold War mentality and instead align our missile defense policy with the threats of the 21st century. The bill provides support to the President's new Phased, Adaptive Approach to missile defense, which places the highest priority on countering our most immediate threats from nations like Iran and North Korea with proven and effective defense systems, while still providing us with the flexibility to be prepared for the threats of tomorrow.

The efforts of terrorist organizations like al Qaeda to obtain nuclear capabilities are among the most serious threats facing America today. While the threat of nuclear war with a superpower is diminishing, the threat of nuclear terrorism and the risk that nuclear materials might spread to countries hostile to the U.S. are increasing. We cannot adequately protect our Nation until we bring our nuclear policy out of the Cold War era and into the 21st century, and the bill fully supports the President's efforts to secure vulnerable nuclear material and prevent the spread of nuclear weapons to those who seek to do us harm. It funds key programs such as the Department of Energy's Global Threat Reduction Initiative and International Nuclear Materials Protection and Cooperation program and the Global Nuclear Lockdown activities under the Department of Defense's Cooperative Threat Reduction Program.

Our Nation has the best military in the world, and Congress remains committed to providing the very best care and benefits to our troops and the families who are always there to lift them up. This year's bill provides a 1.4 percent pay raise to the troops, allows military families to extend TRICARE coverage to their dependent adult children until age 26, improves the Yellow Ribbon Reintegration Program, and restructures certain education benefits. This year's bill also includes the most comprehensive legislation package ever to address sexual assault in the military and creates a more robust domestic violence prevention program.

This defense authorization bill sponsored by my colleague, Representative IKE SKELTON, rightfully enjoys strong bi-partisan support. It shows our military families that we truly value their service and sacrifice, and provides our military with the level of support they need to keep our national security strong. As a member of the Foreign Affairs and Homeland Security Committees from the great State of Texas, which is home to some 15 military bases and has a proud history of national service, I strongly support this legislation and thank my colleagues for joining me in strengthening our national security and taking care of our military families.

Mr. MCKEON. Mr. Speaker, I have 1½ minutes remaining, and the chairman has 30 seconds remaining?

The SPEAKER pro tempore. That is correct.

Mr. MCKEON. I would like to yield the gentleman from Missouri 30 seconds of my 1½ minutes.

Mr. Speaker, as has been mentioned before, Chairman SKELTON, Mr. SPRATT, Mr. TAYLOR, Mr. ORTIZ, Mr. SNYDER—all on the top row—represent over 100 years of experience, of service, of dedication, of devotion to the troops. To those who were representing us around the world and protecting our freedoms, I want to thank them for their service.

I have had the opportunity of traveling with IKE, and I have watched him relate to the troops and their families. He just has a spirit about him, and they love to see him. They are going to miss him. We are going to miss him on the committee.

I am going to vote for the IKE SKELTON bill, mainly because it's IKE SKELTON, and I encourage all members of our conference to do so.

I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I have no further requests for time, but I wish to add a quick note.

In the poem ''Flanders Fields,'' there is a line that reads: to you we throw the torch; be yours to hold it high.

I say that to my friend, my colleague, the gentleman from California, BUCK MCKEON. I pass the torch to him to make sure that he holds it high. I know full well that he will, and he will continue to make us proud as the chairman. I thank him for his friendship, for his cooperation, for his bipartisanship, and I wish him well and Godspeed in the days ahead.

A special note to all the members of our committee:

We have been a family. It has worked well. Great debates. Solid legislation. But I'd be remiss if I didn't say something about the fantastic staff that we have. To name any one of them would be a disservice to those whether they are at the entry level or at the very highest level. Under the leadership of Paul Arcangeli and, previously, Erin Conaton, we have performed well, and I want to thank each one of them.

Thank you for this tremendous, tremendous opportunity.

Mr. HOLT. Mr. Speaker, I rise in support of this bill, albeit with very mixed feelings.

This bill includes a number of very important programs for our military personnel and their families. Of particular importance is the change in law that allows our men and women in uniform to provide health care benefits to their adult children up to age 26, like the rest of the country can currently do. I'm also pleased that the bill provides a 1.4 percent pay raise for our troops to make sure that their pay raise rates match the private sector, and that it funds a school modernization program for the children of our servicemembers. Unfortunately, one critical provision is missing from this bill.

In May when the House passed this bill, it contained a suicide prevention provision that I authored, named in honor of Sergeant Coleman S. Bean of East Brunswick, New Jersey. Coleman did two combat tours in Iraq. In between and after those tours, he sought treatment for post-traumatic stress disorder, PTSD. Because Sergeant Bean was a member of the Individual Ready Reserve, IRR—a pool of Reserve soldiers not assigned to any unit but available for mobilization if needed—he could not get treatment for his condition because the Departments of Defense and Veterans Affairs refused to take ownership of Sergeant Bean and the thousands like him.

The provision I authored sought to prevent future tragedies like the one experienced by Coleman and his family. Simply stated, the provision would require the Defense Department to make quarterly counseling phone calls to reservists like Coleman. Personnel conducting this call would be required to determine the emotional, psychological, medical, and career needs and concerns of the IRR member. Any IRR member identified as being at risk of harming his or her self would be immediately referred to the nearest emergency room for immediate evaluation and treatment by a qualified mental health care provider, and in those cases the Secretary would be required to confirm that the at-risk IRR member has in fact received the evaluation, and if necessary, treatment.

To my amazement and outrage, Senate negotiators demanded that this provision be removed from the conference report, claiming it was unnecessary. Nothing in this world could possibly be more necessary than doing whatever it takes to prevent our veterans from taking their own lives. As I've said on many occasions, if we can find the money to send our troops off to war, we can find the money to care for them when they return. I look forward to working with incoming Chairman BUCK MCKEON and our new Ranking Member, Republican SMITH of Washington, next year to finally get this provision into law.

Mr. BLUMENAUER. Mr. Speaker, today I voted against H.R. 6523 as amended, the ke Skelton Defense Authorization Act for FY 2011, because we must redefine, refocus and reign in military spending.

We have the largest defense budget in the world. We cannot continue to spend as much on defense as the next 16 countries combined. We cannot continue to spend billions to protect West Germany from the Soviet Union when both ceased to exist 2 decades ago.

Such policies are not fair to our military or to the taxpayer.

In May, I voted for an earlier version of the Defense Authorization bill because it moved closer to ending the egregious Don't Ask, Don't Tell policy that discriminates against brave, qualified Americans who want to serve their country and contained positive elements that could serve as a platform for further improvement.

This bill no longer contains that repeal and further misses an opportunity to appropriately prioritize funding for our national defense. It leaves the door open for more spending on the unneeded alternative engine for the F–35 fighter, authorizes $10 billion in missile defense, a $1 billion, 11 percent, increase over last year, and it unnecessarily ties the hands of the President to deal with Guantanamo facilities.

While nothing is more important than providing the resources needed to keep our men and women in uniform safe, the bill is too rooted in the past and the unfortunate present operation in Afghanistan, which I've opposed for scaling up, when we should have been scaling down so that we can refine and refocus on programs that will make our country safer and more secure.

Ms. BORDALLO. Mr. Speaker, I rise to support H.R. 6523, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

The bill provides critical authorities for the Department of Defense over the coming year and also includes a provision, Title 17, that is compromise language to H.R. 44, the Guam World War II Loyalty Recognition Act. This provision is important to my constituents as it resolves a longstanding injustice. Mr. Speaker, I thank the President and his administration, specifically Secretary Ken Salazar and Assistant Secretary Tony Babauta from the Department of the Interior, as well as Deputy Secretary of Defense Bill Lynn, Undersecretary of the Navy Robert Work, Assistant Secretary of Defense Chip Gregson, Assistant Secretary of the Navy Jackalynne Pfannenstiel, Deputy Undersecretary of Defense Dorothy Robyn and Mr. Joe Ludovici of the Joint Guam Program Office who emphasized to the Congress the importance of this provision to our Nation, to the people of Guam, and for maintaining support within the community on Guam for the military build-up.

Although now before us is the compromise language insisted upon by the other body, the people of Guam have sought closure on this matter for many years. Today we have arrived at that critical juncture. It has been 6 years since the Federal Guam War Claims Review Commission fulfilled the mandate of Public Law 107–333 and recommended to Congress the enactment of legislation that takes the form in this Congress as H.R. 44. The military build-up is beginning construction, in earnest, in the next few months and it is important to my constituents that this issue be finally addressed. The compromise, now before us, is identical to the compromise tendered during conference on last year's defense bill. Last year, I was not able to accept the compromise because I needed to first hear from my constituents about their thoughts on its potential ramifications. While the House has overwhelming embraced H.R. 44, the full provision and passed it multiple times, and the President and his administration have urged its enactment, regrettably there continues to be objections in the Senate to certain elements of the provision, namely the category of claimants in which descendants of Chamorros who survived the occupation and suffered personal injury but who have since passed away would be compensated. Therefore, the basis and need for this compromise language.

The defense bill also continues to support the Defense Policy Review Initiative and the so-called Guam International Agreement that outline the realignment of military forces in the Western Pacific. The bill recognizes the strategic importance to the bilateral relationship between the United States and Japan of realigning forces within Okinawa, Japan with some realigning to Guam. Specifically, this bill continues our tradition of providing stringent oversight of the military build-up and ensuring accountability with this significant undertaking. One provision, in particular, helps to make sure the military build-up is done right and benefits our civilian community. Section 2822 authorizes the Department of the Navy to convey its water and wastewater system to the Guam Waterworks Authority. This permissive authority outlines Congress's intent for any such conveyance of the water and wastewater systems. Further, it recognizes the efficiency of scale that can be achieved by having one, single and integrated water and wastewater system on Guam. Of importance to some of my constituents, is that the resources of Fena Reservoir will once again benefit our civilian community.

The bill also reaffirms this Congress's commitment to our men and women in the National Guard. The legislation authorizes $700 million in the National Guard and Reserve Equipment Account, totaling over $7.2 billion in funding for National Guard and Reserve equipment requirements. Of particular concern to the Guam National Guard is authorization for a long-awaited $19 million military construction project for a new Combined Support Maintenance Shop at the Barrigada Joint Force Headquarters complex on Guam. It also extends a critical authority to be able to recruit and retain quality Guardsmen and women from the Commonwealth of the Northern Mariana, CNMI, islands. Section 621, extends for 1 year, authority for eligible members of the National Guard and Reserves to be reimbursed for certain travel expenses in conjunction with inactive duty training. This authority is critical to ensure members of the Guam National Guard residing in the CNMI are able to train with their fellow Guardsmen on Guam and to maintain their readiness in the event they need to support local or federal requirements.

Finally, I extend my deepest thanks to Chairman SKELTON for his steadfast and unwavering support of Guam and issues that are important to our people, He and Ranking Member MCKEON remained firm in their support for H.R. 44, and have helped tremendously with ensuring plans for the military build-up reflected the needs and concerns of the people of Guam. We will miss Chairman SKELTON' leadership on the Committee and in this body dearly. We join the Nation in saluting him for all that he has done for the men and women who have served and continue to serve and their families. We look forward to continuing to work under incoming Chairman MCKEON'S steady leadership, and with the legacy of Chairman SKELTON that he and Congressman SMITH and others will continue to uphold within the Committee. I urge my colleagues to support passage of the Ike Skelton National Defense Authorization Act for our Nation, our troops, and for the people of Guam.

Mr. SKELTON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the bill, H.R. 6523, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MCKEON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 1377, by the yeas and nays; concurring in the Senate amendments to H.R. 1107, de novo;

H.R. 6523, by the yeas and nays; concurring in the Senate amendment to H.R. 628, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

HONORING THE ACCOMPLISHMENTS OF NORMAN YOSHIO MINETA

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1377) honoring the accomplishments of Norman Yoshio Mineta, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution.

The vote was taken by electronic device, and there were—yeas 384, nays 0, not voting 49, as follows:

[Roll No. 648]

YEAS—384

Ackerman	Cantor	Donnelly (IN)
Aderholt	Cao	Doyle
Adler (NJ)	Capito	Dreier
Akin	Capps	Driehaus
Alexander	Capuano	Duncan
Altmire	Carnahan	Edwards (MD)
Andrews	Carson (IN)	Edwards (TX)
Arcuri	Carter	Ehlers
Austria	Cassidy	Ellison
Baca	Castle	Ellsworth
Bachmann	Castor (FL)	Emerson
Bachus	Chaffetz	Engel
Baldwin	Chandler	Eshoo
Barrow	Childers	Etheridge
Bartlett	Chu	Farr
Bean	Clarke	Fattah
Becerra	Clay	Filner
Berkley	Cleaver	Flake
Berman	Clyburn	Fleming
Biggert	Coble	Forbes
Bilbray	Coffman (CO)	Fortenberry
Bilirakis	Cohen	Foster
Bishop (GA)	Cole	Foxx
Bishop (NY)	Conaway	Frank (MA)
Bishop (UT)	Connolly (VA)	Franks (AZ)
Blackburn	Conyers	Frelinghuysen
Blumenauer	Cooper	Fudge
Blunt	Costa	Garamendi
Boccieri	Costello	Garrett (NJ)
Boehner	Courtney	Gerlach
Bonner	Crenshaw	Giffords
Bono Mack	Critz	Gingrey (GA)
Boozman	Crowley	Gohmert
Boren	Cuellar	Gonzalez
Boswell	Culberson	Goodlatte
Boucher	Cummings	Gordon (TN)
Boustany	Dahlkemper	Graves (GA)
Brady (TX)	Davis (CA)	Graves (MO)
Bright	Davis (IL)	Green, Al
Broun (GA)	Davis (KY)	Green, Gene
Brown, Corrine	DeFazio	Grijalva
Buchanan	DeLauro	Guthrie
Burgess	Dent	Gutierrez
Burton (IN)	Deutch	Hall (NY)
Butterfield	Diaz-Balart, L.	Hall (TX)
Buyer	Diaz-Balart, M.	Halvorson
Calvert	Dicks	Hare
Camp	Dingell	Harman
Campbell	Doggett	Harper

Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (IL)
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—49

Baird
Barrett (SC)
Barton (TX)
Berry
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Cardoza
Carney
Davis (AL)
Davis (TN)
DeGette
Delahunt
Djou
Fallin
Gallegly
Granger
Grayson
Griffith
Hinojosa
Hodes
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
Lewis (GA)
Marchant
McCarthy (NY)
McCaul
McMorris Rodgers
Meek (FL)
Miller, Gary
Moran (KS)
Napolitano
Ortiz
Quigley
Radanovich
Reyes
Salazar
Sestak
Shea-Porter
Speier
Stupak
Wamp
Waters
Young (FL)

□ 1318

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PUBLIC CONTRACT LAW TECHNICAL CORRECTIONS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendments to the bill (H.R. 1107) to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendments.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. JACKSON of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 385, noes 0, not voting 48, as follows:

[Roll No. 649]

AYES—385

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—48

Baird
Barrett (SC)
Barton (TX)
Berry
Boyd
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Butterfield
Buyer
Cardoza
Carney
Cleaver
Cole
Davis (AL)
Davis (TN)
DeGette
Delahunt
Djou
Fallin
Gallegly
Granger
Grayson
Griffith
Hinojosa
Hodes

Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
Marchant
McCarthy (NY)
McMorris Rodgers
Meek (FL)
Miller, Gary
Moran (KS)
Napolitano
Ortiz
Quigley
Radanovich
Reyes
Salazar
Sestak
Speier
Stupak
Wamp
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1327

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6523) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. SKELTON) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 341, nays 48, not voting 44, as follows:

[Roll No. 650]

YEAS—341

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellsworth
Emerson
Engel
Etheridge
Fattah
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Jordan (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stearns
Stutzman
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (AK)

NAYS—48

Baldwin
Blumenauer
Campbell
Capuano
Chu
Clarke
Cohen
Conyers
DeFazio
Duncan
Ehlers
Ellison
Eshoo
Farr
Filner
Flake
Fudge
Garamendi
Hall (NY)
Honda
Jackson (IL)
Johnson (IL)
Kagen
Kucinich
Lee (CA)
Lewis (GA)
Lofgren, Zoe
Matsui
Michaud
Miller, George
Moore (WI)
Nadler (NY)
Olver
Paul
Payne
Pingree (ME)
Serrano
Slaughter
Stark
Thompson (CA)
Tierney
Towns
Velázquez
Watson
Watt
Waxman
Welch
Woolsey

NOT VOTING—44

Baird
Barrett (SC)
Barton (TX)
Berry
Boyd
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Cardoza
Carney
Davis (AL)
Davis (TN)
DeGette
Delahunt
Djou
Fallin
Gallegly
Granger
Grayson
Griffith
Hinojosa
Hodes
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
Marchant
McCarthy (NY)
McMorris Rodgers
Meek (FL)
Miller, Gary
Moran (KS)
Napolitano
Ortiz
Quigley
Radanovich
Reyes
Salazar
Smith (NJ)
Speier
Stupak
Wamp
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1336

Ms. MOORE of Wisconsin, Ms. MATSUI, and Mr. ELLISON changed their vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Ladies and gentlemen, the House as all of you know, as is too often the case, we are at a point in time in our schedule where, as I said, too often we find ourselves on the brink of a CR or some other document expiring which leaves the government without funds to continue. That will happen tomorrow at midnight.

We have been in constant communication with the United States Senate, and we are not exactly sure what they are going to pass and, more importantly, when they are going to pass it. As a result, we are confronted with the challenge of ensuring that we have passed a document which will ensure that government does not shut down tomorrow night.

Therefore, it is our intent at this point in time to recess to go to the Rules Committee to obtain a short-term CR, for 3 days, until Tuesday night.

Now, there is a lot of grumbling on my side, and I appreciate your courtesy on your side. But having said that, I know there are at least 434 of my colleagues who are not happy about anything right now, and I want you to know I will make that a unanimous judgment. I am not happy, either. But we are in the place where we have a responsibility and we have not yet completed it, for whatever reason. There is a lot of blame to go around, but the fact is we are not where we need to be.

So when we come back from recess—it will take probably 1½, 2 hours, let's say we come back at 3:30 or 4 o'clock to consider this short-term CR which will get us through whatever the Senate is

or is not going to do, I will then hope to be able to announce at that point in time the further schedule for tonight and/or tomorrow; and we would like to preclude the necessity to come back next week. I think that would be consistent—even my side would not grumble at that proposition.

So that's what we are trying to do. I hope you will bear with me. You understand the problem that we are having. It is not a new problem; it exists all the time.

So we are going to recess now. We will come back within a short period of time to do this short-term CR, which will be a simple CR simply extending us through Tuesday. Then at 4 o'clock, we will try to have some more information from the Senate. I will be in communication with Mr. CANTOR and Mr. BOEHNER's office. I talked to Mr. CANTOR's floor person about this and Mr. MCCARTHY about this, and we will have better information at 4 o'clock. I would urge all of you to stay here.

I know that everybody wants to get home. I want to get home myself. I don't live far from here, about an hour; but I have not been by my house and haven't decorated a single—as all of you know, I live alone and, therefore, it's up to me and I haven't been there so it's not done. So I want to get home just like you do.

So bear with us. This is our responsibility. We have two Houses; we've got to agree. So we will let you know at 4 o'clock as we begin the CR where we're going from there and try to have some final word.

Thank you very much.

AUTHORIZING PILOT PROGRAM FOR PATENT CASES

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill (H.R. 628) to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and concur in the Senate amendment.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BACA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 371, noes 1, not voting 61, as follows:

[Roll No. 651]

AYES—371

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Fleming
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves (GA)
Graves (MO)
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Price (NC)
Putnam
Rahall
Rangel
Reed
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stearns
Stutzman
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOES—1

Paul

NOT VOTING—61

Baird
Barrett (SC)
Barton (TX)
Becerra
Berry
Bilirakis
Boehner
Boyd
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Butterfield
Cardoza
Carney
Courtney
Davis (AL)
Davis (TN)
DeGette
Delahunt
Djou
Doyle
Fallin
Forbes
Franks (AZ)
Gallegly
Gordon (TN)
Granger
Grayson
Green, Al
Griffith
Herger
Hinojosa
Hodes
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
Linder
Marchant
McCarthy (NY)
McMorris Rodgers
Meek (FL)
Melancon
Miller, Gary
Moore (KS)
Moran (KS)
Napolitano
Ortiz
Perlmutter
Pomeroy
Quigley
Radanovich
Reyes
Roskam
Salazar
Speier
Stupak
Taylor
Wamp
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1349

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mrs. MCMORRIS RODGERS. Madam Speaker, on rollcall No. 648 on H. Res. 1377, On Motion to Suspend the Rules and Agree, Honoring the accomplishments of Norman Yoshino Mineta, and for other purposes, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea".

Madam Speaker, on rollcall No. 649 on H.R. 1107, On Motion to Suspend the Rules and Concur in the Senate Amendments, An act to enact certain laws relating to public contracts as title 41, United States Code, Public Contracts, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea".

Madam Speaker, on rollcall No. 650 on H.R. 6523, On Motion to Suspend the Rules and Pass, as Amended, Ike Skelton National Defense Authorization Act for Fiscal Year 2011,

I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea".

Madam Speaker, on rollcall No. 651 on H.R. No. 628, On Motion to Suspend the Rules and Concur in the Senate Amendment, An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges, I am not recorded because I was absent because I gave birth to my baby daughter. Had I been present, I would have voted "yea".

APPOINTMENTS—INDIAN LAW AND ORDER COMMISSION

The SPEAKER pro tempore (Ms. JACKSON LEE of Texas). Pursuant to section 235 of the Tribal Law and Order Act of 2010 (Public Law 111–211), and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members to the Indian Law and Order Commission:

Ms. STEPHANIE HERSETH SANDLIN, Brookings, South Dakota; and in addition,

Mr. EARL POMEROY, Bismarck, North Dakota.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1517

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ALTMIRE) at 3 o'clock and 17 minutes p.m.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 105, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. POLIS, from the Committee on Rules, submitted a privileged report (Rept. No. 111–689) on the resolution (H. Res. 1776) providing for consideration of the joint resolution (H.J. Res. 105) making further continuing appropriations for fiscal year 2011, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1776 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1776

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 105) making further continuing appropriations for fiscal year 2011, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

□ 1520

Mr. POLIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1776.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

House Resolution 1776 provides a closed rule for the consideration of H.J. Res. 105, making further continuing appropriations for fiscal year 2011, and for other purposes.

The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the joint resolution except those arising under clause 10 of rule XXI. The rule provides that the joint resolution shall be considered as read. The rule waives all points of order against provisions of the joint resolution. Finally, the rule provides one motion to recommit the joint resolution with or without instructions.

Mr. Speaker, I rise today in support of approving a continuing resolution to maintain a level and consistent funding stream for our government.

This resolution is aptly numbered ''1776,'' a patriotic number for a patriotic bill that will allow government to continue its normal operations until midnight, on Tuesday, to give the Senate a chance to complete its deliberations.

I could take this opportunity to share the frustration of our colleagues at the inability of the Senate to complete its work in a timely manner; but in the spirit of the season, Mr. Speaker, I will simply say that we must pass this continuing resolution to allow the Senate to continue its important work and deliberations to create either a longer term continuing resolution or an omnibus appropriations package that will allow the regular business of government to keep the people of America safe to continue.

I reserve the balance of my time.

Mr. SESSIONS. I yield myself such time as I may consume.

I want to thank my friend, the gentleman from Colorado (Mr. POLIS) not only for his friendship but also for being with us today as we approach the floor on H. Res. 1776.

Mr. Speaker, just last week, I stood right here to do a rule and pointed out that my Democrat colleagues continue to use an unprecedented restrictive and closed process on the House floor, and I am here today to tell the same story.

At least this is very consistent behavior. For 2 years, we have had nothing but closed rules, and here we are today, in fact, in the same place, except what we are doing here today, again, is discussing a long-term continuing resolution, a resolution that went nowhere in the Senate. Yet we are here again today, doing another continuing resolution so that our government does not shut down on Saturday.

Last week, the Rules Committee, under Democrat leadership, reported out an unprecedented long-term martial law rule. They gave themselves 11 days to bring up any bill under a rule that same day, and just yesterday, they reported out an additional martial law rule through Christmas Eve. This only continues the backroom, closed deals that have been pursued throughout the 111th Congress.

What was promised to be the most ''open, honest, and ethical'' Congress by Speaker NANCY PELOSI when she took the gavel has turned into the most closed, one-sided Congress in history. We tax too much. We spend too much. We regulate too much. We listen too little.

Mr. Speaker, the American people asked for changes in 2008, and they got something that was far worse. In 3 weeks, that will change; but until then, I am here to discuss another closed rule for another continuing resolution.

This day continues to bring about more overspending, which has been a common theme of the last two Congresses—not just another CR but another omnibus. The underlying legislation is a CR to keep the government running until Tuesday. That is true. The Democrats provided no budget this year, and the President has not signed one appropriations bill into law this year. So this legislation and the rule is just another tactic to keep the government running until the majority can figure out its next priority. Well, I assure you it will be all about spending.

Over the past 3 years, nondefense, non-Homeland Security and non-Veterans Affairs discretionary spending has increased by a staggering 88 percent. In the meantime, the Nation's debt has risen to $13.5 trillion. There have been yearly record deficits since our friends, the Democrats, took the majority and record unemployment. The unemployment rate has now been

at or above 9.5 percent for 18 consecutive months.

Republicans want to take spending levels back to 2008, which would save American taxpayers nearly $100 billion in the first year. I think the American people are fed up with taxing, borrowing, spending, closed rules, and more rules and regulations than we have seen in the past 4 years, which has brought us nothing but more unemployment, higher debt and a monster deficit. Americans have called for an end to the reckless spending and for a new era of fiscal discipline. Yet it continues to fall on deaf ears even today.

This country needs leaders who are willing to make tough financial decisions and fiscal decisions that will bring back our economy, stability, job growth—not just more of the same taxing and spending.

Mr. Speaker, as if continuing the spending levels from 2010 weren't enough, my colleagues on the Democrat side of the aisle are here, acting only today to await a possible Senate omnibus bill that has a total price tag of $1.1 trillion more to be spent in the next 10 months. That's not called ''running the government.'' Running the government has already been taken care of. This is $1.1 trillion.

When will the majority recognize that this simply cannot and should not continue? When will the Democrats understand that taxing and spending and putting our children in an unfavorable position for their futures will not be tolerated?

In true fashion, I know, the Democrats have an agenda, and they need to continue it until the very end, and that is what they are doing. They have shut out Republican ideas for the past 4 years. They continue to shut out the American people. Continuing on the path of reckless government spending will only put us, our children, and our future in debt. Congress must do better.

So, on behalf of my party, the Republican Party, we are on the floor today to recognize H. Res. 1776. We are going to oppose this rule. We are going to oppose the additional spending, and we promise to do better.

Just last week, I stood right here to do a rule and pointed out that my democrat colleagues continue to use an unprecedented, restrictive, and closed process on the House floor, and here I am again to tell the same story. In fact, last week I was standing here before you Mr. Speaker discussing a long term Continuing Resolution—a resolution that went nowhere in the Senate. Yet, here we are again today, doing another Continuing Resolution so our government does not shut down by this Saturday. Week after week my friends on the other side of the aisle continue to bulldoze their massive spending agenda through the floor of the House with no Republican input, and no regular order. Last week the Rules Committee, under Democrat leadership, reported out an unprecedentedly long martial law rule. They gave themselves eleven days to bring up any bill under a rule the same day, and just yesterday they reported out an additional martial law rule through Christmas Eve. This only continues the backroom, closed deals they have pursued throughout the 111th Congress.

What was promised to be the most ''open, honest and ethical'' Congress by Speaker PELOSI when she took the gavel, has been the most closed, and one-sided Congress in history. The American people asked for change in 2008 and they got something far worse. They received a Democrat Congress that doesn't listen to the American people, and a Congress that acts on their own interest and not the interest of the American taxpayer.

Mr. Speaker, in three weeks that will change. But until then, I am here to discuss another closed rule for another Continuing Resolution. The legislation before us continues to over-spend—a common theme over the last two Congresses.

The underlying legislation is a CR to keep the government running until Tuesday. The Democrats provided no budget for this year and the President has not signed one appropriations bill into law—so this legislation and rule is just another tactic to keep the government running until the Majority can kick the responsibility to the Republicans next Congress.

Over the past three years, non-defense, non-homeland security, and non-veterans affairs discretionary spending has increased by a staggering 88 percent. In the meantime, the nation's debt has risen to $13.5 trillion, there have been yearly record deficits since the Democrats took the Majority, and the unemployment rate has been at or above 9.5% for 18 consecutive months.

This CR does almost nothing to reverse this trend and instead continues the unsustainable, high rate of spending passed the Democrat Majority last year. This includes more spending for many federal agencies that received massive increases with the Democrat Stimulus bill in 2009. My Republican colleagues and I have pledged to cut non-security spending back to the fiscal year 2008 levels which would save American taxpayers nearly $100 billion in the first year.

The American people are fed-up with the tax, borrow and spend policies of the past 4 years, which has brought nothing but unemployment, debt and deficit. Americans have called for an end to reckless spending and a new era of fiscal discipline, yet it continues to fall on deaf ears here today. This country needs leaders that are willing to make the tough fiscal decisions that will provide economic stability and job growth, not just more of the same.

In true fashion, my democrat colleagues continue to push their own agenda on the American people. They have shut out Republicans over the past 4 years, and they continue to shut out the American people. Continuing on the path of reckless government spending, will only put the U.S. further in debt burdening future generations. Congress must do better for the American people. I oppose this rule.

Mr. Speaker, you have heard me say it over and over, but the American people we promised an ''open, honest and ethical'' Congress, and that is not what they have received. Congress only received the text of this legislation a few hours ago. American's have called for transparency and bipartisanship and have only seen a secretive dictatorship.

I ask my colleagues to vote no on the rule. Vote ''no'' to stop the reckless fiscal policies that Speaker PELOSI and the Democrats have pursued over the last 4 years. It is time to end the idea of Big Government and Big Spending.

I yield back the balance of my time.

Mr. POLIS. I yield myself the balance of my time.

Mr. Speaker, I could certainly discuss how the House has passed two appropriations bills this year—the Transportation-HUD appropriations bill and the Military Construction-Veterans Affairs appropriations bill, while the Senate has not passed a single appropriations measure. Last year, the House passed all of the appropriations measures.

I could certainly also discuss how, in the 12 years that the Republicans controlled the House, there were a number of years when not a single regular appropriations measure was enacted by October 1—in 1996, in 2002, and in 2003. In fact, in those 12 years, CRs were enacted 84 times.

Again, Mr. Speaker, in the spirit of the season, in the spirit of charity, and in the spirit of our colleagues' desire to complete their work in this body, I will simply say that it is critical for the basic functions of government to continue over the next 5 days, particularly during this travel season.

Where would we be on one of the busiest travel weekends of the year if we cut off funding for our air marshals, which the failure of this bill would ensue?

Just yesterday, I was proud that this body passed and sent to the President a bill to keep taxes low for all Americans. I supported this bill, along with 139 of my Democratic colleagues and 138 of my Republican colleagues. In voicing their support for the legislation, many of our friends on both sides of the aisle cited the need for certainty and stability.

Well, Mr. Speaker, this bill before us today provides certainty and predictability for the basic functions of the Federal Government until next Tuesday, at midnight, by which point we will undertake a longer term continuing resolution or other measure to allow for the basic functions of government to continue.

I call upon my colleagues to support this rule and the underlying legislation, and I urge a ''yes'' vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1530

PROVIDING FOR THE SINE DIE ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. POLIS. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 336

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Friday, December 17, 2010, through Friday, December 24, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate adjourns on any day from Sunday, December 19, 2010, through 11:59 a.m. on Monday, January 3, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this vote on H. Con. Res. 336 will be followed by 5-minute votes on adoption of H. Res. 1776, if ordered, and motion to suspend the rules on H.R. 2142.

The vote was taken by electronic device, and there were—yeas 196, nays 153, not voting 84, as follows:

[Roll No. 652]

YEAS—196

Adler (NJ)
Altmire
Baldwin
Becerra
Berman
Blumenauer
Boccieri
Boren
Boswell
Boucher
Braley (IA)
Bright
Brown, Corrine
Butterfield
Campbell
Capps
Capuano
Carnahan
Castle
Castor (FL)
Chandler
Chu
Clarke
Cleaver
Clyburn
Coffman (CO)
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
DeFazio
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Garrett (NJ)
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Melancon
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Peterson
Polis (CO)
Price (NC)
Rahall
Rangel
Richardson
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Watson
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—153

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Cantor
Cao
Capito
Carney
Carter
Cassidy
Chaffetz
Coble
Cole
Conaway
Connolly (VA)
Crenshaw
Davis (KY)
Dent
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ellsworth
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Michaud
Miller (FL)
Miller (MI)
Moran (VA)
Myrick
Neugebauer
Nunes
Nye
Olson
Owens
Paulsen
Pence
Perriello
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sessions
Sestak
Shadegg
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wolf

NOT VOTING—84

Ackerman
Andrews
Arcuri
Baca
Baird
Barrett (SC)
Barrow
Barton (TX)
Bean
Berkley
Berry
Bishop (GA)
Boustany
Boyd
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Calvert
Camp
Cardoza
Carson (IN)
Childers
Clay
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
Diaz-Balart, L.
Djou
Fallin
Gallegly
Granger
Green, Al
Griffith
Harman
Himes
Hinojosa
Hodes
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
Kind
Latham
Lipinski
Marchant
McCarthy (NY)
McIntyre
McMorris Rodgers
Meeks (NY)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Napolitano
Ortiz
Pastor (AZ)
Paul
Peters
Pingree (ME)
Pomeroy
Quigley
Radanovich
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Salazar
Schwartz
Speier
Stark
Stupak
Wamp
Wasserman Schultz
Waters
Wittman
Young (FL)

□ 1605

Messrs. COLE, SHUSTER, CARNEY, GRAVES of Missouri, BACHUS, DONNELLY of Indiana, TAYLOR, and Ms. SHEA-PORTER changed their vote from ''yea'' to ''nay.''

Ms. KOSMAS and Mr. YARMUTH changed their vote from ''nay'' to ''yea.''

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 105, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 1776) providing for consideration of the joint resolution (H.J. Res. 105) making further continuing appropriations for fiscal year 2011, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 184, nays 159, not voting 90, as follows:

[Roll No. 653]

YEAS—184

Altmire
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chandler
Chu
Clarke
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
DeFazio
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords

Gonzalez
Gordon (TN)
Grayson
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Perlmutter
Perriello
Peterson
Polis (CO)
Price (NC)
Rahall
Rangel
Richardson
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Velázquez
Visclosky
Walz
Watson
Watt
Waxman
Weiner
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—159

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)
Crenshaw
Davis (KY)
Dent
Diaz-Balart, M.
Doyle
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
Melancon
Mica
Miller (FL)
Miller (MI)
Myrick
Neugebauer
Nye
Olson
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—90

Ackerman
Andrews
Arcuri
Baca
Baird
Barrett (SC)
Barrow
Barton (TX)
Bean
Berkley
Berry
Bishop (GA)
Boustany
Boyd
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Calvert
Camp
Cardoza
Carson (IN)
Clay
Conyers
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
Diaz-Balart, L.
Djou
Fallin
Gallegly
Granger
Green, Al
Griffith
Gutierrez
Harman
Himes
Hinojosa
Hirono
Hodes
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
Kind
Latham
Lipinski
Marchant
McCarthy (NY)
McIntyre
McMorris Rodgers
Meeks (NY)
Miller, Gary
Mitchell
Moran (KS)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Napolitano
Nunes
Ortiz
Pastor (AZ)
Paul
Peters
Pingree (ME)
Pomeroy
Quigley
Radanovich
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Salazar
Schwartz
Speier
Stark
Stupak
Van Hollen
Wamp
Wasserman Schultz
Waters
Welch
Whitfield
Wittman
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1612

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GPRA MODERNIZATION ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 2142) to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CUELLAR) that the House suspend the rules and concur in the Senate amendment.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 212, nays 131, not voting 90, as follows:

[Roll No. 654]

YEAS—212

Altmire
Baldwin
Berman
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Braley (IA)
Bright
Brown, Corrine
Butterfield
Cao
Capps
Capuano
Carnahan
Carney
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
DeFazio
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCaul
McDermott
McGovern
McNerney
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Perriello
Peterson
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rogers (AL)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Visclosky
Walz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—131

Aderholt
Adler (NJ)
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Campbell
Cantor
Capito
Chaffetz
Coble
Coffman (CO)
Conaway
Crenshaw
Davis (KY)
Dreier
Duncan
Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey (GA)
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMahon
Mica
Miller (FL)
Myrick
Neugebauer
Nunes
Olson
Owens
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Stearns

Stutzman	Tiahrt	Walden
Sullivan	Tiberi	Westmoreland
Taylor	Turner	Wilson (SC)
Thornberry	Upton	

NOT VOTING—90

Ackerman	Delahunt	Murphy (NY)
Andrews	Diaz-Balart, L.	Murphy, Patrick
Arcuri	Djou	Murphy, Tim
Baca	Fallin	Napolitano
Baird	Gallegly	Ortiz
Barrett (SC)	Granger	Pastor (AZ)
Barrow	Green, Al	Paul
Barton (TX)	Griffith	Peters
Bean	Gutierrez	Pingree (ME)
Becerra	Harman	Quigley
Berkley	Himes	Radanovich
Berry	Hinojosa	Reyes
Bishop (GA)	Hodes	Rodriguez
Boustany	Johnson (GA)	Ros-Lehtinen
Boyd	Johnson, E. B.	Ross
Brady (PA)	Johnson, Sam	Rothman (NJ)
Brown (SC)	Jones	Rush
Brown-Waite, Ginny	Kilpatrick (MI)	Salazar
	Kind	Schwartz
Calvert	Latham	Speier
Camp	Lipinski	Stark
Cardoza	Marchant	Stupak
Carson (IN)	McCarthy (NY)	Towns
Clay	McCollum	Velázquez
Conyers	McIntyre	Wamp
Culberson	McMorris Rodgers	Wasserman Schultz
Davis (AL)		
Davis (CA)	Meeks (NY)	Waters
Davis (IL)	Miller, Gary	Whitfield
Davis (TN)	Mitchell	Wittman
DeGette	Moran (KS)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1620

Mr. ROGERS of Alabama changed his vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. DAVIS of California. Mr. Speaker, on Friday, December 17, 2010, I missed the following votes.

Had I been present, I would have voted: ''yea'' on rollcall No. 652; ''yea'' on rollcall No. 653; and ''yea'' on rollcall No. 654.

PERSONAL EXPLANATION

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably detained and missed the votes on:

Adjournment Resolution (H. Con. Res. 336—Sine Die Adjournment) Although H. Con. Res. 336 passed by a vote of 196–153, I respectfully request the opportunity to record my position. Had I been present I would have voted ''yea'' on rollcall 652.

H. Res. 1776—Rule providing for consideration of H.J. Res. 105—Making further continuing appropriations for fiscal year 2011. Although H. Res. 1776 passed by a vote of 184–159, I respectfully request the opportunity to record my position. Had I been present I would have voted ''yea'' on rollcall 653.

H.R. 2142—Government Efficiency, Effectiveness, and Performance Improvement Act of 2009 to require the review of Government programs at least once every 5 years for purposes of assessing their performance and improving their operations, and to establish the Performance Improvement Council. Although H.R. 2142 failed under a suspension vote by a vote of 212–131, I respectfully request the opportunity to record my position. Had I been present I would have voted ''yea'' on rollcall 654.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Ladies and gentlemen of the House, the situation we find ourselves in at this point in time is as follows: I have talked to the leader. He has talked to Senator MCCONNELL. They cannot assure us that they will be able to either pass anything tonight or send us anything tomorrow. They don't have an agreement.

In light of that, it is my judgment that the only alternative available to us is to pass, obviously, this short-term CR, which will keep the government open through Wednesday. We will leave after the last vote in this series, returning Tuesday at 10, with the first votes expected at 11.

Senator REID believes that by Monday they will be able to pass some continuing resolution or some appropriation process for some period of time. We don't know what that is. I just talked to Senator REID 10 minutes ago. There is not an agreement on that.

I know that this is not a happy circumstance during the holiday period, to have to return here; but it would be less happy if we waited here this evening, tomorrow, Sunday and Monday with the Senate not sending us anything. I don't think that is fair to you.

As a result, it is my intent that we will leave here after the last votes on this CR and send it to the Senate. The Senate will take it and will pass it. Senator MCCONNELL and Senator REID have agreed that they will pass this.

It is a simple CR, as Chairman OBEY and Mr. LEWIS will explain, and I think that will accommodate us, to the extent it is possible to accommodate us at this time.

I know everybody would like to finish today and go home for the holidays until we return January 5. I am in that rank myself. But we are where we are. That seems to me the best way to accommodate all of you, while at the same time accommodating our responsibility to take the action that is necessary to keep the government operating.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 17, 2010.

Hon. NANCY PELOSI,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 17, 2010 at 3:15 p.m.:

That the Senate passed S. 1481.

That the Senate passed with amendments H.R. 5901.

That the Senate passed without amendment H.R. 4973.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

PARLIAMENTARY INQUIRY

Mr. MCDERMOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. DRIEHAUS). The gentleman will state his inquiry.

Mr. MCDERMOTT. Mr. Speaker, my question is, if we take one of these green cards and sign it and have it sent back by certified mail, would that be acceptable as a vote in the House, if you are more than 1,000 miles from the Capitol?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2011

Mr. OBEY. Mr. Speaker, pursuant to the rule, I call up the joint resolution (H.J. Res. 105) making further continuing appropriations for fiscal year 2011, and for other purposes, and ask for its immediate consideration.

The SPEAKER pro tempore. Pursuant to House Resolution 1776, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 105

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Act, 2011 (Public Law 111–242) is further amended by striking the date specified in section 106(3) and inserting ''December 21, 2010''.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, this resolution is very simple. The continuing resolution under which we are now operating expires at midnight on Saturday. This simply extends that underlying resolution to midnight Tuesday.

I urge support.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, I do not intend to use any of my time to speak, except to express my appreciation for the sentiments of the gentleman from Washington about our mailing our votes across the country.

In the meantime, I do not intend to call for a vote on the CR. We are going to have to vote on a couple of suspensions, I gather.

I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1630

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. JACKSON of Illinois. Mr. Speaker, are there two more votes before Members dash out of here tonight? There are two more votes.

The SPEAKER pro tempore. That is correct.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5510, by the yeas;

S. 3874, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AIDING THOSE FACING FORECLOSURE ACT OF 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5510) to amend the Emergency Economic Stabilization Act of 2008 to allow amounts under the Troubled Assets Relief Program to be used to provide legal assistance to homeowners to avoid foreclosure, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. CAPUANO) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 210, nays 145, not voting 78, as follows:

[Roll No. 655]

YEAS—210

Altmire
Andrews
Austria
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Boccieri
Boswell
Boucher
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Deutch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey (CO)
Matsui
McCollum
McDermott
McGovern
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Perriello
Peters
Peterson
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—145

Aderholt
Adler (NJ)
Akin
Alexander
Bachmann
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Buchanan
Burgess
Burton (IN)
Camp
Campbell
Cantor
Cao
Capito
Cassidy
Castle
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Dent
Dreier
Duncan
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Graves (MO)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marshall
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
Mica
Miller (FL)
Miller (MI)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Owens
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Reed
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Upton
Walden
Westmoreland
Wilson (SC)
Wolf

NOT VOTING—78

Ackerman
Arcuri
Baird
Barrett (SC)
Barton (TX)
Berry
Blumenauer
Boehner
Boyd
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Cardoza
Carter
Chaffetz
Conyers
Culberson
Davis (AL)
Davis (TN)
DeGette
Delahunt
Diaz-Balart, L.
Djou
Ehlers
Fallin
Gallegly
Granger
Griffith
Gutierrez
Herseth Sandlin
Hinojosa
Hodes
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
Kind
King (NY)
Linder
Lipinski
Maffei
Marchant
Markey (MA)
Matheson
McCarthy (NY)
McIntyre
McMorris Rodgers
Meeks (NY)
Miller, Gary
Mitchell
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Napolitano
Ortiz
Pastor (AZ)
Paul
Pingree (ME)
Quigley
Radanovich
Reyes
Rodriguez
Ros-Lehtinen
Salazar
Shadegg
Space
Speier
Stark
Stupak
Velázquez
Wamp
Waters
Whitfield
Wittman
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1653

Messrs. PUTNAM, BLUNT, Mrs. MILLER of Michigan, Mr. LANCE, and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

Mr. TIBERI changed his vote from ''nay'' to ''yea.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MARKEY of Massachusetts. Mr. Speaker, on rollcall No. 655, I was unavoidably detained, but had I voted I would have voted "yes".

Ms. HERSETH SANDLIN. Mr. Speaker, I regret that I was unable to participate in one vote on the floor of the House of Representatives today.

The vote was H.R. 5510—Aiding Those Facing Foreclosure Act of 2010. Had I been present, I would have voted ''yea'' on that question.

REDUCTION OF LEAD IN DRINKING WATER ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill (S. 3874) to amend the Safe Drinking Act to reduce lead in drinking water, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DOYLE) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 109, not voting 98, as follows:

[Roll No. 656]

YEAS—226

Adler (NJ)
Altmire
Andrews
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Boccieri
Bono Mack
Boren
Boswell
Boucher
Boustany
Braley (IA)
Bright
Buchanan
Butterfield
Capito
Capuano
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Chandler
Chu
Clarke
Clay
Cleaver
Clyburn
Connolly (VA)
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeLauro
Dent
Deutch
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gordon (TN)
Graves (MO)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilroy
Kirkpatrick (AZ)
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moran (VA)
Murphy (CT)
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paulsen
Payne
Perlmutter
Perriello
Peters
Petri
Platts
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reed
Reichert
Richardson
Roe (TN)
Rohrabacher
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NAYS—109

Aderholt
Akin
Austria
Bachmann
Bachus
Bartlett
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boozman
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Camp
Campbell
Cantor
Cao
Coffman (CO)
Cole
Conaway
Crenshaw
Duncan
Emerson
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves (GA)
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
Mica
Miller (FL)
Miller (MI)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Pence
Peterson
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Royce
Scalise
Schmidt
Sensenbrenner
Sessions
Shimkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stutzman
Sullivan
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—98

Ackerman
Alexander
Arcuri
Baca
Baird
Barrett (SC)
Barton (TX)
Berry
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Boyd
Brady (PA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buyer
Calvert
Capps
Cardoza
Carter
Castor (FL)
Chaffetz
Childers
Coble
Cohen
Conyers
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
DeGette
Delahunt
Diaz-Balart, L.
Djou
Ehlers
Fallin
Gallegly
Gonzalez
Granger
Griffith
Gutierrez
Heller
Hill
Hinojosa
Hodes
Israel
Johnson, E. B.
Johnson, Sam
Jones
Kilpatrick (MI)
Kind
King (NY)
Kissell
Linder
Lipinski
Maffei
Marchant
Matheson
McCarthy (NY)
McIntyre
McMorris Rodgers
Meeks (NY)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (NY)
Murphy, Patrick
Napolitano
Ortiz
Pastor (AZ)
Paul
Pingree (ME)
Quigley
Radanovich
Reyes
Rodriguez
Ros-Lehtinen
Roskam
Salazar
Sanchez, Loretta
Shadegg
Space
Speier
Stark
Stupak
Towns
Velázquez
Wamp
Waters
Whitfield
Wittman
Young (FL)

□ 1705

Messrs. DANIEL E. LUNGREN of California and ROHRABACHER changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on December 17, 2010, I regret that I was not present to vote on H. Res. 1776, H.R. 2142, H.R. 5510, and S. 3874, had I been present, I would have voted ''yea'' on all bills.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for votes in the House Chamber today. Had I been present, I would have voted ''yea'' on rollcall votes 652, 653, 654, 655 and 656.

COMMENDING THE WISCONSIN BADGER FOOTBALL TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1767) commending the Wisconsin Badger football team for an outstanding season and 2011 Rose Bowl bid.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the resolution.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6523, IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Mr. GARAMENDI. Madam Speaker, I ask unanimous consent that in the engrossment of H.R. 6523 the Clerk be directed to make conforming amendments to the table of contents.

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT TO TUESDAY, DECEMBER 21, 2010

Mr. GARAMENDI. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DRILLING BAN IN U.S.

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the Interior Department said there will be a new ban on offshore drilling in the Gulf of Mexico. That will cost us thousands of good-paying jobs in the gulf region, especially around Texas and Louisiana. The administration promised us that domestic oil production

was an important part of our energy future; but for the last 6 months, the Federal Government has blocked drilling at every turn, leaking a permit out here and there only just lately. But now they say it's safe to drill again, and what do they do? They ban drilling.

The Cubans are going to drill offshore next year, and from what they're saying, they will partner with the Russians and the Chinese. Madam Speaker, since when is it okay for China, Russia, and Cuba to drill off our shores and not America? Not only that, the American taxpayer is sending money by the administration to Brazil and Mexico to let those countries drill off their shores. Is the administration at war with the American energy companies? Maybe so.

And that's just the way it is.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 5116. An act to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

□ 1710

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING BEVERLY BUCHHEIT ON HER RETIREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. CARNAHAN) is recognized for 5 minutes.

Mr. CARNAHAN. Madam Speaker, on the occasion of her retirement, I rise to honor a great citizen of Missouri and the City of St. Louis, Beverly Buchheit. Beverly is a shining example of what our Founders envisioned for America: an engaged and spirited citizen, active in the affairs of her Nation and her community.

Beverly has been a valued member of my staff for over 5 years as a liaison to the City of St. Louis and specialist on senior issues. Beverly has dedicated her life to helping others, shown by her commitment to service to the public schools of the City of St. Louis as an educator, administrator, and community leader. She also served as an elected official, our Democratic committee woman, in the City of St. Louis for over 30 years.

Beverly Buchheit is a woman of strong faith and family. She is a longtime member of the Messiah Lutheran Church of St. Louis. She and her late husband, Valentine ''Wally'' Buchheit, were married for almost 32 years and raised three children: Dennis Buchheit, Patricia Wood, and Donna Schaeffer. Beverly also deeply loves her seven grandchildren and two great grandchildren.

Bev, as she is known, is a friend to many. She is loyal to her Nation and to her beloved St. Louis and to her friends and her family. Her work, whether it be volunteering in her neighborhood or mentoring countless teachers, educators, and students she has touched and influenced, is a testimony to her reputation as an exemplary educator and citizen, faithful friend, loving mother, and good neighbor.

I have relied on Beverly for counsel and advice throughout my political career, first as a State representative and now as a Member of this House. I am proud to call Beverly Buchheit a neighbor, a member of my congressional staff, but more importantly, I am proud to call Bev my mentor and my friend. I wish her well.

MEXICAN-AMERICAN BORDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, last Tuesday, north of the Mexican-American border, a number of our Border Patrol agents were trying to stop some bandits, Mexican bandits who were stealing and killing people who were coming across the border illegally. One of the people that was involved in this and was shot was a fellow named Manuel Arianes, AKA Manuel Arellanes Osorio. He is a Mexican in the United States illegally. He was convicted in 2006 for aggravated assault. He had been deported to Mexico twice, and he was in the United States with his colleagues committing more crimes. And a Border Patrol agent, Mr. Brian A. Terry, was shot to death on the border in that area last Tuesday night.

Now, the reason I bring this up—and my good friend, Mr. POE of Texas, who will be talking about this and probably some other things related to it later—we wrote a letter, Mr. POE, myself, and ED ROYCE of California, RALPH HALL of Texas, and PETE OLSON. All of us wrote a letter to the President of the United States, and this was in October. We said, Mr. President, you know, we sent 17,000 National Guard people to the Gulf during the Gulf oil spill because it was a threat to the environment and to the people's livelihoods who live down in that area. And yet the Mexican-American border is 1,980 miles long, and when the President decided to help augment our Border Patrol agents, he sent, I think, 1,300 or 1,400 National Guardsmen down, went down there and only for a short period of time, and they were not right on the border.

We have a war going on on the Mexican-American border. Today, we talked about the spending bills. We talked about taxes. We talked about tax extenders. And all of those things are extremely important, but we have a war going on on the Mexican-American border with drug dealers and thieves and terrorists coming in from Mexico. And now we understand that we're training, down in Central America, some of the local law enforcement and military with our military people to stop them from moving into places like Costa Rica. We are talking about the drug dealers.

We have a major problem in our hemisphere that threatens the stability of the entire southern part of the United States—Texas, New Mexico, Arizona. And as we know, the Arizona Governor has tried to do everything she can to deal with the problem, and nothing is happening. In fact, the President of the United States and the Justice Department have been fighting her. It just doesn't make any sense whatsoever.

We need to get on with doing what we promised to do, and that is build that border fence and put enough border agents down there and National Guardsmen to deal with the problem and, if necessary, to work with the President of Mexico to put military personnel on both sides of the border to stop these terrorists, drug dealers, and the people that are disrupting what is going on here in the United States.

And you say, Well, that's the border. That doesn't deal with us.

There are signs in Arizona 80 miles north of the border, 80 miles into the United States that say to American citizens, Don't go south of here because it's not safe. We have got ranchers and farmers that have been beaten up and killed in the United States by these drug dealers and these terrorists that are coming across the border.

So we wrote to the President on October 26, Mr. POE and I and my other colleagues, and we followed up with another letter on November 4. And you know what we have heard from the President? Not a darn thing. Nothing. And it's been, what, a month and a half, 2 months.

The President is ignoring this problem and people are dying, and the security of the southern part of the United States—in fact, the entire United States is at risk.

So if I were talking tonight—and I know, Madam Speaker, I can't talk to the President because we are not allowed to talk to people outside the Chamber. But if I were talking to the President, I would say, Mr. President, answer our letters. Pay attention to what's going on, and secure that border. Go talk to the President of Mexico and the others in Central and South America and make sure we stop these drug cartel terrorists from disrupting the United States and threatening the security of our border. This is a war, Mr. President. Get on with it.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 26, 2010.

Hon. BARACK OBAMA,
President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to you today to express our extreme concern regarding the deteriorating security situation along our Nation's southern border. It seems that every day brings a new report of some atrocity; the most recent being the apparent murder of a U.S. citizen at Falcon Lake, Texas; yet little if anything appears to be being done by our government or the Mexican government to stop the bloodshed and bring the perpetrators to justice.

Protecting our borders and our citizens is a paramount responsibility of the Federal government; enshrined in the preamble of the Constitution. It would be an unforgivable breach of our constitutional responsibilities if we do not take stronger measures not only to prevent the upward spiral of violence from further spilling over into the United States and threaten the safety of U.S. citizens on American soil but to reclaim those areas of our border already overrun by smugglers and criminals. We can no longer pretend that this is simply Mexico's problem. The time has come to recognize that the drug violence along the border is a direct threat to the United States and act accordingly.

First, it has become apparent that the Mexican government and law enforcement authorities are either unwilling or unable to address this problem unilaterally. Therefore, we believe it is imperative that you immediately begin serious dialogue with President Calderon on building a comprehensive framework, in the spirit of Plan Colombia, that will better coordinate a more aggressive and proactive strategy to turn the tide of this conflict.

Second, we must complete construction of the border fence. Any responsibility we have to minimize the impact of the fence on the physical landscape or native species in the region pales in comparison when measured against the value of human lives that will be lost if we do not seal the border.

Finally, we believe it is critical that we deploy additional National Guard troops to the border. Media reports indicate that 17,000 National Guard troops were deployed to the Gulf region to respond to the recent oil spill. Yet, you have only pledged 1,200 National Guard troops to protect the border—and according to media reports only a small fraction of those troops have arrived to date. It is unrealistic, if not pure insanity, to believe that a mere 1,200 National Guard troops, even with the support of the Border Patrol, can effectively cover the nearly 2,000 mile long Southwestern border of the United States. We must put additional bodies on the ground and we must give them the weapons and specify rules of engagement that give them the authority to do whatever is necessary to secure the border. A National Guard trooper armed with only a pistol and given no authority to engage the enemy is useless against a criminal armed with military grade weapons and ammunition.

Mr. President, we implore you to view this situation for what it is, a war and to act accordingly.

Sincerely,

DAN BURTON,
RALPH M. HALL,
EDWARD R. ROYCE,
TED POE,
PETE OLSON.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 4, 2010.

Hon. BARACK OBAMA,
President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: On October 26th I and four of my colleagues, sent you a letter expressing our extreme concerns regarding the deteriorating security situation along our Nation's southern border. Since that time five more Americans have been killed along the border region. Protecting our borders and our citizens is a paramount responsibility of the Federal government; enshrined in the preamble of the Constitution. I strongly urge you to consider the proposals laid out in my letter from October 26th. Americans are dying; it is time to recognize that the drug violence along the border is a direct threat to the United States and act accordingly.

Thank you for giving your personal time and attention to this critically important issue.

Sincerely,

DAN BURTON.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AGENT BRIAN TERRY: U.S. BORDER PATROL—ON THE THIRD FRONT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, it was about midnight when gunfire erupted in a remote area of Rio Rico, Arizona, a city near the border of Mexico and the United States. Border Patrol agents and unknown gunmen exchanged shots in the dark, and one shot proved to be deadly, claiming a life in this war zone—our southern border, the third front.

Radio chatter alerted dispatch of the incident, and a call for assistance was received this Tuesday night about 11 p.m. Border Patrol agents were making rounds in a very isolated and rugged area just north of the border town of Nogales.

□ 1720

They were trying to catch bandits, the kind that target illegal immigrants. They rob and steal and pillage those immigrants, and our Border Patrol agents protect those immigrants. Banditos have long traveled border districts, robbing these individuals.

But while on patrol Tuesday night, United States Border Agent Brian Terry, and this is his photograph, Madam Speaker. Brian Terry and team members encountered a group of armed gunmen. Upon seeing Agent Terry and three other Border Patrol agents, they opened fire on Agent Terry and his comrades with automatic weapons. Border Patrol Agent Terry was shot in the back with an AK–47. He died en route to a hospital.

Four suspects have been arrested for this dastardly crime. One individual is still at large and on the run. Justice is deserved and needed for these murderers. Border Patrol Agent Terry is irreplaceable—yet another American life claimed by the violent border battle on the third front.

Agent Terry was 40. He was a brother and a son. His family called him a tough, big guy who committed his life to public service. Terry was headed home today to Michigan to see his family for Christmas. He had purchased his plane ticket earlier this week.

He was an agent for 3 years, but he had a military background. Right out of high school, he joined the United States Marine Corps, and he served 3 years. Part of that time he was in the combat zone in Iraq. He later became a police officer and he joined the Border Patrol in 2007. His life was dedicated to public service and the protection of the American people. He had been a member of the elite Border Patrol Tactical Team; and according to his family, he loved that job. He would call home before going on a mission, and he would call when he got back in. The excitement of protecting this Nation fueled his passion in the workplace, and he put his life on the line to protect our security and sovereignty as a Nation. And he paid for it by giving his life.

Madam Speaker, going back to the year 2004, I have a chart that shows assaults that have occurred on our Border Patrol agents. In 2004, about 400 assaults occurred. All of the way to 2009 and even this year, there are over a thousand assaults committed against our Border Patrol agents by illegals arrogantly coming into the United States. Mainly those assaults are by rocks being thrown at those Border Patrol agents and causing injuries. You don't hear too much about the assaults against our border protectors. But the media sure tells us a lot about how important it is that we let people who are here in this country illegally stick around and make the rest of us pay for it.

Agent Terry's fatal shooting is not the first murder of a Border Patrol agent. Border Patrol Agent Robert Rosas of Campo, California, was assassinated in 2009 while responding to criminal activity in a notorious alien and drug smuggling area. The men and women on the border are under constant assault. They are the iron gatekeepers to a violent battle that reveals each day and every night uncontained authority.

Because you see, Madam Speaker, whether we want to admit it or not, there are portions of the Texas-Mexico border, the U.S.-Mexico border, that are under the operational control of the drug cartels. The United States does not have control; Mexico does not have control. Not in all areas, but some areas; and that is where this ruthless

third front is taking place. The border war is a bloody battlefield between the law and the outlaws. Once a Texas Ranger told me: Congressman POE, after dark it gets western on the border. He said we are out-manned, outgunned, and out-financed by the enemy.

Madam Speaker, we need the moral resolve as a Nation to secure the dignity of our borders and to protect the people who are protecting us, our Border Patrol agents. They are doing the job that we asked them to do, so it is long overdue that we protect the border of this country like we protect the borders of other nations so that no more Border Patrol agents will be murdered by those who sneak into our country.

And that's just the way it is.

HONORING RETIRING CONGRESSIONAL BLACK CAUCUS MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE of California. Madam Speaker, I rise today as chair of the Congressional Black Caucus to pay tribute to our colleagues Congresswoman CAROLYN CHEEKS KILPATRICK, Congresswoman DIANE WATSON, Congressman KENDRICK MEEK, members of the Congressional Black Caucus who are retiring at the end of the 111th Congress.

I will say a bit about each of them in a moment, but I do want to recognize and first thank them all for their service to their constituents and to our country and really to the world. Each of them in their own way has contributed to the cause and the mission of the Congressional Black Caucus which was founded almost 40 years ago and continues as the ''conscience of the Congress.''

Since our founding in 1971, the Congressional Black Caucus has remained true to its mission to root out inequality and injustice. Our voice has been heard throughout the Halls of Congress and throughout the world. We have been advancing the role of government to empower and protect families and children with every legislative tool at our disposal.

Congresswoman KILPATRICK is an immediate past chair of the Congressional Black Caucus who I served under as first vice chair during the 110th Congress.

Congresswoman KILPATRICK is a brilliant and focused lawmaker who I have also had the pleasure of serving with a member of the House Appropriations Committee where she has been a forceful advocate for her constituents and the State of Michigan.

While serving on Capitol Hill, Congresswoman KILPATRICK has worked to level the playing field for minority-owned media outlets and advertising firms that face discrimination from major advertisers. She has hosted forums on diversity in advertising and was a leading force in the successful effort to secure a Presidential executive order compelling all Federal agencies to increase their contractual opportunities with minority businesses.

Prior to her coming to Washington, Congresswoman KILPATRICK taught business education in the Detroit public schools before being elected to the Michigan State House where she served for 18 years and was the first African-American woman to serve on the Michigan House Appropriations Committee.

Congresswoman KILPATRICK has a deep commitment to our young people and the security of their future. She established the Sojourner Truth Project to inspire young African-American women to be leaders. Her spirit, her heart, and her intellect soar. The world is a better place because of this great woman.

Congresswoman DIANE WATSON, my friend, our colleague, believe it or not is a former elementary school teacher. She continues to educate us all each and every day. She is also a school psychologist who has lectured at both California State Universities at Los Angeles and Long Beach.

In 1975, she became the first African-American woman to be elected to the Los Angeles Unified School District Board of Education, and she led efforts during some very tumultuous times to expand school integration and improve academic standards.

For almost 20 years, Congresswoman WATSON served in the California State Senate where I served later. She was the first African-American woman to serve in that body, and she became a statewide and national advocate for health care long before the rest of the country was talking about health care reform. She was an advocate for consumer protection, women and children.

During her tenure in Sacramento, she served as the chair of the Health and Human Services Committee and as a member of the Judiciary Committee. Let me tell you, and I always say this about Congresswoman WATSON, there were 40 members of the California Senate. I came to politics as a result of Congresswoman Shirley Chisholm running for President. She was the first African-American woman elected to this body. Congresswoman WATSON, I used to watch her as being the only African-American woman in California in the State senate, and how she was able to maintain her integrity, her principles, her intellect and who she was as a black woman and yet negotiate very important legislation on behalf of the whole State. I want to salute her.

Congresswoman WATSON also served as the ambassador to Micronesia. She represented our country in a magnificent way. Throughout her career, she has demonstrated her mastery of foreign policy. She is an international leader. She is Dr. WATSON who served in that capacity as ambassador until 2001 when she returned to California to run for Congress in a special election after the untimely death of our beloved Congressman Julian Dixon.

□ 1730

She is an exceptional public servant, and she has demonstrated throughout her life a remarkable commitment to improving the human condition. And so we salute you, Congresswoman WATSON, and we look forward to this next chapter of your life.

And also, let me just take a moment to honor the extraordinary career of Congressman KENDRICK MEEK, a man who took up the torch from his mother, our former esteemed colleague, Congresswoman Carrie Meek, and he has carried it further than any of us would have ever imagined.

Other Members will talk more about Congressman MEEK, but we salute all of our retiring Members and wish them well and Godspeed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DETENTION FACILITIES AT GUANTANAMO BAY, CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Madam Speaker, I come to the floor this evening to again make the case for why the detention facilities at Guantanamo Bay should remain open and why Khalid Sheikh Mohammed—or any other hardened terrorist currently residing at Guantanamo Bay—should never be transferred to the United States to stand trial or for continued detention.

When a clear majority of the American people support keeping Gitmo open—as you can see from this chart to my left, Madam Speaker, this pie chart basically says, when you ask the American people what should happen to Guantanamo, fully 55 percent say keep it open. Only 32 percent are in favor of closing Guantanamo Bay detention facility, and 13 percent had no opinion.

Well, Madam Speaker, President Obama made closing Guantanamo Bay an immediate priority upon taking office, and he pledged to close the facility within his first year in office. It has indeed been troubling that the administration, in its push to close Guantanamo Bay to, so-called, ''improve'' our world standing, has succumbed to letting untruths dictate the popular story line about how the United States treats its detainees. Rather than expend the effort to correct what have become blatant fabrications, they continue to fight—even as recently as this

week—congressional attempts to ban any transfer of detainees to the United States.

Put simply, Madam Speaker, Guantanamo Bay has been and remains the best option to detain terrorists that pose a threat to our national security at home and abroad. Let me be clear. Guantanamo Bay houses some of the most dangerous terrorists in the world, some of whom have succeeded in their plots to kill American citizens and soldiers. Yet, despite their record of plotting attacks on civilians, beheadings, and using innocent women and children as shields, our military personnel provide the detainees with a host of rights, privileges, and, yes, indeed, respect.

If the administration won't tell the full story about how we treat Guantanamo detainees, Madam Speaker, then I certainly will.

Among the rights and privileges extended include 24/7 medical service, comprised of things like annual dental checkups, eye exams, physical therapy, mental health services, and one medical staffer for every two detainees. Detainees are afforded anywhere from 4 to 20 hours of outdoor recreation daily; are allowed unmonitored legal communication, have access to more than 15,000 books, magazines, and DVDs in 18 different languages; and they are, indeed, allowed to observe their religious customs. Cultural and dietary needs are met. Each detainee receives up to 6,800 calories per day, with six menus from which to choose. No wonder the average weight gain, Madam Speaker, has been 15 to 20 pounds.

That's the reality of Guantanamo Bay. Having gone to these lengths, it is simply, to me, incomprehensible that we would spend hundreds of millions of dollars to transfer these detainees to our shores and make accommodations for them within our borders, especially with a $13.8 trillion national debt that's only growing.

Furthermore, Madam Speaker, terrorists who cannot be prosecuted should not be released. This is particularly true given that the recidivism data that was released just last week indicates that up to 25 percent of those released from Guantanamo Bay have reaffiliated with terror groups and rejoined the fight against us, continuing to kill Americans.

Madam Speaker, the American people know that the Gitmo detainees—which include terrorist trainees, terrorist financiers, bomb makers, Osama bin Laden's body guards, terrorist recruiters, and would-be suicide bombers—are not minor offenders by any means. Indeed, attempted attacks on our homeland in the skies over Detroit, in the streets of New York City, and in a courthouse square in Portland, Oregon, remind us that the battlefield is not limited to our efforts in Afghanistan and Iraq.

Those that seek to do us harm should never be transferred to our soil or tried in our Federal court system, where they would essentially be provided the same protections under our Constitution as the very U.S. citizens they would love to kill.

Transferring terrorist detainees to the U.S. could eventually lead to their release—on American soil, Madam Speaker, putting our own citizens at risk. Indeed, any facility where they could be held—whether for trial or lifelong detention—could itself become a terrorist target.

Simply put, the American people believe that bringing Guantanamo Bay detainees to American soil—for any purpose—putsAmericans at risk and is a national security threat. The President and his Administration would be wise to listen to the voice of the American people, follow the lead of this Congress, and keep Guantanamo Bay open.

A TRIBUTE TO CONGRESSMAN PATRICK KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. LANGEVIN) is recognized for 5 minutes.

Mr. LANGEVIN. Madam Speaker, I rise today to honor my colleague and good friend, Congressman PATRICK KENNEDY from Rhode Island.

I have known and worked with PATRICK for more than half of my life now. PATRICK and I were first elected to the Rhode Island General Assembly together in 1988. And I must say, I'm having a bit of a hard time imagining coming back to work in January without him serving in the Congress.

I still remember hearing about his first run for the State House, the young KENNEDY taking on the establishment in Providence. People thought that he didn't have a chance, but they didn't know PATRICK very well. He knocked on every door, shook every hand, and fought for every last vote. In the end, that race wasn't even close.

In the State House, he immediately showed his independence, refusing to toe the party line, much to the surprise of the House leadership at the time. I remember well one of his early efforts to enact responsible gun control measures, an issue that was and is very important to me as well.

PATRICK soon arrived in the Halls of Congress, and as the nephew of President John Kennedy and Senator Robert Kennedy and the son of Senator Edward Kennedy, an intimidating legacy followed closely behind him. But PATRICK didn't strive to fill anyone else's shoes. He worked hard every day to chart his own course and to fight for his constituents in Rhode Island. But, and perhaps without intention, he not only upheld his family's own enduring legacy, he carried it forward by knocking down new barriers as well. His compassion and commitment to promoting social justice for all Americans was clearly evident, particularly when he spoke out on behalf of those suffering from mental illness and addiction.

It is because of PATRICK's efforts that I and many of my colleagues have gained a new awareness of the tens of millions of Americans who struggle every day with the hidden disability of mental illness or addiction. These people had no voice, no champion until PATRICK stepped up and took on what so many others were afraid to say out loud. Mental health parity legislation passed this Congress because PATRICK KENNEDY fought for every vote, just as he did with that first State House run. He met with every chairman, he sat down with every Member, and he raised this issue at every event that he went to, even if it meant bringing attention to what he once considered his own greatest weakness, but he did so without hesitation once he learned that speaking openly and honestly about his personal battles could move the debate forward and help countless others seek treatment and overcome their own challenges.

Most people know PATRICK as a passionate and outspoken advocate for millions of people, but to really know Patrick is to watch him sit down one-on-one with a constituent, a child or a senior citizen. And where politicians are often running from place to place to the next event trying to shake the most hands, see the most people, PATRICK would rather sit down and talk with one person about their experiences, about their family, their opinions rather than jump from event to event. He really truly cared about what his votes and his actions and the things he did meant to each Rhode Islander, and I know how much each conversation, each meeting, and each interaction meant to him and how it helped him to grow as a legislator and as a person.

PATRICK, I know your dad must have been so proud to serve with you for these past 16 years. Together, you forged a better path for social justice and equality for the people of Rhode Island and the people of our Nation. As you prepare to leave, know that you have made a profound difference during your time in this great institution, one that will endure and continue to resonate throughout our Nation.

□ 1740

I look forward to continuing our work together, both inside and outside the Halls of Congress. And to quote your dad, Senator Edward Kennedy: ''The work goes on, the cause endures, the hope still lives, and the dream shall never die.''

With that, I yield to the gentleman from Virginia (Mr. MORAN) the balance of my time.

Mr. MORAN of Virginia. Madam Speaker, I thank my great friend, Mr. LANGEVIN, from Rhode Island.

Madam Speaker, no one has brought more passion to the floor of this Congress than PATRICK KENNEDY. PATRICK has never hesitated to speak out for the poor and the powerless, those who faced mental and physical disabilities, those who needed someone on their side. The Kennedy family has always

been about bringing the marginalized out from the shadows. So the entire Kennedy clan should be so proud of this man, PATRICK KENNEDY, and this Nation should be as grateful for his presence in this Congress.

Let me emphasize, Madam Speaker, the fact that mental health parity would not have become law had it not been for PATRICK KENNEDY. That is a legacy for which this Nation should always be grateful. PATRICK KENNEDY's legacy will continue for generations to come. We can't thank him enough for his service to this Nation and this Congress.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

DR. RICHARD LEVIN COMMENCEMENT SPEECH EXCERPTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 5 minutes.

Mr. YARMUTH. Madam Speaker, last May, President Richard Levin of Yale University delivered a commencement speech, and I think the message he conveyed in that speech is worth repeating here for the Members of this body and also for the American people. I am going to read a portion of the speech and then include the entire commencement speech for the RECORD. These are the words of Dr. Richard Levin:

''Aristotle tells us that we are by nature political animals. But one wonders whether we would recognize the species we have become. Eighteen months ago, the United States elected a new President who was prepared to address intelligently and collaboratively the most pressing problems confronting the Nation—education, health care, climate change, and improving America's image in the rest of the world. Late in the election campaign, the financial crisis intervened, and economic recovery and financial sector reform were added to this ambitious agenda.

''What has happened since does not inspire great confidence in the capacity of our system to deal intelligently with important problems. Why is this happening?''

Dr. Levin says: ''Let me make two observations and then trace their implications for how you might conduct yourselves as citizens and participants in political life. First, contemporary political discussion is too often dominated by oversimplified ideologies with superficial appeal to voters. And, second, political actors in the United States give too much weight to the interests of groups with the resources to influence their reelection and too little attention to the costs and benefits of their actions on the wider public.

''In the Federalist No. 10, James Madison addresses the second of these observations in the context of the fledgling republic established by the U.S. Constitution. He notes that the tendency to pursue self-interest can never be entirely suppressed, but it can be mitigated by the proper design of political institutions.

''The protections that our form of government offers against ideology and faction have attenuated greatly since Madison's time, for at least two reasons. First, mass communication increases the opportunity to sway voters by appeal to simple formulations. Of course, the rise of mass communication could be a tool for raising the level of discourse through more effective education of the electorate. But it interacts with the second attenuating factor: that the money required to win elections through the media has created a dependence on funding from special interest groups. And it is these interest groups who distort reasoned dialogue by sponsoring oversimplified messages.

''To move beyond ideology and faction, we need to raise the level of political discourse. You, as the emerging leaders of your generation,'' he told the students, ''must rise to the challenge.

''In the first paragraph of the Federalist No. 1, writing about the infant republic whose constitution he was endeavoring to defend, Alexander Hamilton asserts:

''It has frequently been remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies are really capable or not of establishing good government from reflection and choice.

''There is much in America's history of the past two-and-a-quarter centuries that would incline us to conclude that Hamilton's question has been answered in the affirmative. Our institutions of representative government have proven themselves to be durable, the rule of law has prevailed, and the scope of personal liberty has expanded far beyond what the Founders envisioned. But today, in the face of oversimplified ideology and the dominance of narrow interests, we must wonder again whether Hamilton's question is still open.

''Women and men of the Yale College class of 2010,'' Dr. Levin said, ''it falls to you, the superbly educated leaders of your generation, to rise above ideology and faction, to bring to bear your intelligence and powers of critical thinking to elevate public discourse, to participate as citizens, and to answer the call to service. Only with your commitment can we be certain that our future will be decided by reflection and choice in the broad best interest of humanity. You can do it. Yes, you can.''

Madam Speaker, Dr. Levin made this call to the young women and men who will lead our Nation in the years to come. But all of us should listen.

As we end this Congress and begin a new one, our Nation faces challenges as complex as they are consequential, and we stand at a tipping point. More special interest money is flooding our political system than ever before. Congress is the most partisan it has been in history. The media is often more a source of polarization than information. And the American people don't know whom to believe, if anyone; and I don't blame them.

The result is that our ability to have serious discussions about serious challenges is severely damaged. And now arguably the most significant challenge facing our country is figuring out how to have those conversations. That must be our calling for the 112th Congress. If we fail in this effort, we not only fail Congress, we fail our country.

BACCALAUREATE ADDRESS: RECLAIMING POLITICS

President Richard C. Levin, Yale University

What a journey you have had! Four years of exploring a place so rich with treasure: courses taught by some of the world's most brilliant and creative scholars and scientists, a library with few peers, museums that expose you to the full variety of nature and human cultures, musical and theatrical performances of the highest quality, vigorous intercollegiate and intramural athletic programs, and classmates whose excellence never ceases to astonish—and all this set within the imposing and inspiring architecture of a campus that is itself a museum. You have had the chance to interact with classmates from 50 states and 50 nations, and the great majority of you have taken advantage of Yale's abundant international programs to spend a semester or a summer abroad.

In the classroom, you were encouraged to engage thoroughly and rigorously in thinking independently about the subjects you studied. You were challenged to develop the powers of critical reasoning fundamental to success in any life endeavor. Outside the classroom, as you worked productively in the hundreds of organizations you joined or founded, you exercised the skills of teamwork and leadership. In your overseas experiences, you deepened your capacity for understanding those whose values and cultures differ from your own—preparing you for citizenship in a globally interconnected world. You may not recognize this in yourselves, but you are ready for what is next.

Understandably, you may be uncertain and a bit anxious about what lies ahead. But, if history is to be trusted, you will find many paths open to you. Because of the talent you possessed before you came here, as well as the intellectual and personal growth you have experienced here, you will find, with high likelihood, success in your chosen endeavors. And we expect you to stay connected. The vibrant life of this university is greatly enriched by the deep commitment and active participation of its graduates—think of all the master's teas and guest lectures and college seminars offered by our alumni. And keep in mind that when you thanked your parents a few moments ago, you might also have been thanking the generations of Yale graduates whose gifts past and present supported half the total cost of your education.

Perhaps I am overconfident about your prospects for personal fulfillment and professional success, but I don't think so. If you will concede my point for the sake of argument, let's ask the next question, one so

deeply rooted in Yale's mission and tradition that for most of you, fortunately, it has become ingrained. And that question is: how can I serve? How can I contribute to the wellbeing of those around me, much as we all have done in building communities within the residential colleges and volunteering in so many valuable roles in the city of New Haven? Now is an important time to be asking this question. Let me suggest why, and then let me suggest an answer.

Aristotle tells us that we are by nature political animals. But one wonders whether he would recognize the species that we have become. Eighteen months ago, the United States elected a new president who was prepared to address, intelligently and collaboratively, the most pressing problems confronting the nation—education, health care, climate change, and improving America's image in the rest of the world. Late in the election campaign, the financial crisis intervened, and economic recovery and financial sector reform were added to this ambitious agenda.

What has happened since does not inspire great confidence in the capacity of our system to deal intelligently with important problems. We legislated a stimulus package that was less effective than it should have been, and far less effective than the corresponding measures undertaken in China. Fifteen months later, unemployment in the United States is still 9.9%. After months of stalemate, Congress enacted a health care bill that extends care to millions of uncovered individuals and families, but takes only the most tentative steps toward containing the escalating costs that will create an unsustainable burden of public debt within the next decade or two. We failed to address climate change in time to achieve a meaningful global agreement in Copenhagen. And, although financial sector reform now seems to be a possibility, the debate has been replete with misunderstanding of what actually went wrong and a misplaced desire for revenge.

Why is this happening? Let me make two observations, and then trace their implications for how you might conduct yourselves as citizens and participants in political life. First, contemporary political discussion is too often dominated by oversimplified ideologies with superficial appeal to voters. And, second, political actors in the United States give too much weight to the interests of groups with the resources to influence their re-election, and too little attention to the costs and benefits of their actions on the wider public.

In The Federalist (No. 10), James Madison addresses the second of these observations, in the context of the fledgling republic established by the U.S. Constitution. He notes that the tendency to pursue self-interest can never be entirely suppressed, but it can be mitigated by the proper design of political institutions. In contrast to a direct democracy where individuals would tend to vote their own interests, a republican form of government, Madison argues, will have a greater tendency to select representatives who attend to the broader interests of the whole. And, he further argues, representatives in a large republic constituted of a wide range of divergent interests will find it easier to rise above parochialism than those in a smaller republic comprised of a small number of competing factions.

The protections that our form of government offers against ideology and faction have attenuated greatly since Madison's time, for at least two reasons. First, mass communication increases the opportunity to sway voters by appeal to simple formulations. Of course, the rise of mass communication could be a tool for raising the level of discourse through more effective education of the electorate. But it interacts with the second attenuating factor: that the money required to win elections through the media has created a dependence on funding from special interest groups. And it is these interest groups who distort reasoned dialogue by sponsoring oversimplified messages.

It is easy to see how these developments have thwarted recent efforts to shape responsible public policy. For example, the interest groups opposing health care reform defeated efforts to contain costs by labeling them ''death panels,'' and they defeated the creation of a new public vehicle for providing health insurance by insisting that we must ''keep government out of the health care business,'' when in fact Medicare, Medicaid, and the Veterans Administration already pay nearly 40 per cent of the nation's health care bill. I am not taking sides here, only pointing to the fact that intelligent debate on these subjects was crowded out by ideological distortion.

How can we create a national and global dialogue that transcends such oversimplification and parochialism? Let me suggest that we need each of you to raise the level of debate. You came here to develop your powers of critical thinking, to separate what makes sense from what is superficial, misleading, and seductive. Whether you have studied literature, philosophy, history, politics, economics, biology, physics, chemistry, or engineering, you have been challenged to think deeply, to identify the inconsistent and illogical, and to reason your way to intelligent conclusions. You can apply these powers of critical discernment not simply to fulfill personal aspirations, but to make a contribution to public life.

Every signal you have received in this nurturing community has been unwavering in its message that the growth of your competencies is not to benefit you alone. You have learned in your residential colleges that building a successful community has required you to respect and value one another, and, when appropriate, to moderate your own desires for the benefit of the whole. And so it should be in your lives after Yale. If you are to help to solve this nation's problems—or work across national boundaries to address global problems such as climate, terrorism, and nuclear proliferation—you will need to draw upon both these fruits of a Yale education: the capacity to reason and the ethical imperative to think beyond your own self-interest.

I know that many of you are taking advantage of these first years after graduation to take up public service, and I hope that even more of you will consider this path. There are plenty of jobs in the public sector for enterprising recent graduates; many are short-term but others may lead to careers. Many of you have signed up to be teachers. Others will enter business or the professions. But whatever choice you make, you can help to strengthen the nation and the world—by treating political choices not as triggers for an ideological reflex and not as opportunities to maximize self-interest. To combat reflexive ideologies, you must use the powers of reason that you have developed here to sift through the issues to reach thoughtful, intelligent conclusions. To combat parochialism, you must draw upon the ethical imperative that Yale has imbued in you—an imperative that begins with the golden rule. Whether you serve in government directly or simply exercise your responsibilities as a citizen and voter, recognize that we will all be best served if we take account not merely of our own self-interest, but the broader interests of humanity. To move beyond ideology and faction, we need to raise the level of political discourse. You, as the emerging leaders of your generation, must rise to this challenge.

In the first paragraph of The Federalist (No. 1), writing about the infant republic whose constitution he was endeavoring to defend, Alexander Hamilton asserts:

It has frequently been remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies . . . are really capable or not, of establishing good government from reflection and choice . . .

There is much in America's history of the past two and a quarter centuries that would incline us to conclude that Hamilton's question has been answered in the affirmative. Our institutions of representative government have proven themselves to be durable; the rule of law has prevailed, and the scope of personal liberty has expanded far beyond what the founders envisioned. But today, in the face of oversimplified ideology and the dominance of narrow interests, we must wonder again whether Hamilton's question is still open.

Women and men of the Yale College class of 2010: It falls to you, the superbly educated leaders of your generation, to rise above ideology and faction, to bring to bear your intelligence and powers of critical thinking to elevate public discourse, to participate as citizens and to answer the call to service. Only with your commitment can we be certain that our future will be decided by ''reflection and choice'' in the broad best interest of humanity. You can do it. Yes you can.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

(Mr. RANGEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THANKS AND BEST WISHES FROM THE HONORABLE DIANE E. WATSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Madam Speaker, I offer my thanks to BARBARA LEE, who is the chair of the Congressional Black Caucus, and I want to read to you something I will leave to every Member and staff of this House:

''A happy wish for you to receive only the best that this season offers! I thank you for making my experience here one of learning, training, and developing legislative solutions. My motto is 'lift as you climb,' so that is why I am so pleased that California Speaker Emeritus Karen Bass will take my place. So, with that said, I appreciate knowing you.''

I want you to know how privileged I have felt serving in this House. As I conclude my 10th year, I go back to Los Angeles to see if I can find another job. I always said that, you know, I can't keep a job.

As you heard, I started out teaching school, and I became a school psychologist. That was the most important work I could do because I was able to analyze with the young people what it

took to give them a quality education and improve their behavior for improving their lives.

Then serving in the California Senate for 20 years and chairing the Health and Human Services Committee, I could guide and fashion legislation that would benefit all Californians.

Then to be able to represent the United States of America abroad was one of the highlights of my life, never thinking that I could rise to that level, but it happened. And then crowning my public service, serving here in this House.

I want to thank my colleagues, I want to thank the staff, and I want to thank my friends for the privilege you have given me. And I would say to you, so long for now. Hope to see you again next year.

□ 1750

FAREWELL TO CONGRESSIONAL BLACK CAUCUS MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. CLARKE) is recognized for 5 minutes.

Ms. CLARKE. Madam Speaker, as the 111th Congress comes to an end, it is with deep sadness that I come to the floor to wish a fond farewell to several members of the Congressional Black Caucus who will not be moving to the 112th Congress. These members, Congresswoman CAROLYN KILPATRICK, Congresswoman DIANE WATSON, Congressman KENDRICK MEEK, and Congressman ARTUR DAVIS will be sorely missed.

Congresswoman CAROLYN CHEEKS KILPATRICK, AKA ''Auntie,'' as I affectionately called her, has been a friend and mentor throughout my service in Congress. A proud native of Detroit, Congresswoman KILPATRICK has led a long and distinguished career in public service. Before her service in the Michigan State House and later in Congress, she enriched the lives of young people as an educator. Throughout her tenure in the House of Representatives, Congresswoman KILPATRICK has consistently supported the development of minority businesses and brought numerous projects to her home State as an appropriator.

Also leaving us will be Congresswoman DIANE WATSON, who was also a mentor, who I affectionately have referred to as ''Lady Di'' due to her grace and elegance. Congresswoman WATSON began her career as a school psychologist. Upon entering politics, she's been a tireless advocate for consumer protection and health care. She was a member of the California Assembly and an ambassador to the Federated States of Micronesia during the Clinton administration.

Congressman ARTUR DAVIS has also faithfully served on Capitol Hill. A former prosecutor, Congressman DAVIS has led a career in public service. He served on the House Ways and Means Committee, and has been a strong advocate for improvements in health care and education throughout the years.

Finally, hailing from the great State of Florida, Congressman KENDRICK MEEK will be leaving us. He is one half of a historic mother-to-son succession to the U.S. House of Representatives and affectionately known as my ''Brother.'' After years in law enforcement, Congressman MEEK continued in public service by entering politics. He came to Congress at the retirement of his mother, Mrs. Carrie Meek. In the House of Representatives, he has faithfully represented the people of Miami and south Florida by focusing on policies that create jobs and improve health care.

The work of Representatives KILPATRICK, WATSON, DAVIS, and MEEK has not gone unnoticed. Their contributions will provide great assistance for not only their constituents, but for all Americans. I firmly believe that they all will continue to be change-makers along whichever paths they follow. Their role as public servants will always remain strong as they continue to enhance their communities. I wish them the best of luck in their next endeavors, and I will cherish the lasting friendship we have always shared.

TRIBUTE TO CONGRESSIONAL BLACK CAUCUS MEMBERS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON LEE) is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Madam Speaker, before I begin my tribute to my dear friends that are leaving, I want to make mention again of a dear friend that we lost this week, and that is the Honorable Richard Holbrooke, who served this Nation ably and who was given tribute today by H. Con. Res. 335, as amended.

Just a brief word about Ambassador Holbrooke as I begin to talk about the outstanding Members that I wish to pay tribute to. I'm reminded not only of his courage, the magnitude of his physical size, the love that he had for his family, the love that he had for the Nation, and the admiration that he received from around the world, but I'm reminded of his tenure at the United Nations. He did something that was equal to moving the Earth. He brought peace between two giants: one, the Vice President of the United States, who in fact came to speak about HIV/AIDS, and he drew also to that very issue with the then-chairman of the Foreign Affairs Committee, Chairman Jesse Helms. He thought that was a great accomplishment—and we did too. Members of the Congressional Black Caucus went to the United Nations at that time. So I am rising to acknowledge Ambassador Holbrooke and will join with my other colleagues who honored him earlier today.

But I have the great, if you will, honor of honoring wonderful, stellar organizations that are coming to pay tribute to a number of members of the Congressional Black Caucus. And I say ''organizations'' because I know that sororities, fraternities, the NAACP, women's organizations, so many would want to say thank-you to the following members:

First, my dear sister, Ambassador DIANE WATSON. I always call her ''Ambassador.'' And that she is. She carried herself in a framework of peace; of wanting to bring people together; of challenging our consciousness, and doing it with integrity, honesty, and courageousness. Let me thank her for the work that she did in honoring Dr. Dorothy Height and thank her for the work she did in helping to carry forth the vision of C. Delores Tucker. And now, because of my sister DIANE WATSON and myself and the late Congresswoman Millender-McDonald, I can say that we have the Sojourner Truth statue in the United States Congress, which will always be remembered by this great work.

And her sister, the Honorable CAROLYN KILPATRICK, who took up the Sojourner Truth movement, she's the second African American woman to be appointed to the Appropriations Committee. I can tell you CAROLYN KILPATRICK never wavered from investing in people and ensuring that people had resources that came from the taxpayers' dollars. My hat is off to the former Congresswoman and chairwoman of the Congressional Black Caucus.

Might I thank a colleague on the Judiciary Committee, Congressman ARTUR DAVIS. Yes, a former U.S. Attorney, but a vigorous speaker and a progeny of the civil rights movement. He was in fact the beneficiary of the civil rights movement and carried it in dignity by becoming a U.S. Attorney in the district that covered Alabama. We thank him for his work on the Ways and Means Committee, and we thank him for his service on the Judiciary Committee, and wish him well.

The Honorable KENDRICK MEEK is to all of us like a brother. We loved his mother, Carrie. And we saw in him those traits as he worked hard in the 30-somethings in the first couple of years when he was in the Congress, trying to get us back in the majority, but more importantly, speaking to the people.

He ran a fantastic open, wide, welcoming race for the United States Senate. His great days are before him. His wonderful wife and children were a fixture around this place, and we pay tribute to him because of the passion and sacrifice he made for Haitians in his area and for the many people that he represented.

So, Madam Speaker, let me say to you, sadness falls because we will be losing to great things Members like Congresswoman DIANE WATSON, Congresswoman CAROLYN KILPATRICK, Congressman ARTUR DAVIS, and Congressman KENDRICK MEEK. As my dear sister, Congresswoman DIANE WATSON, is

on the floor of the House, I will tell you that is indicative of her work; that she was here for us in the morning, here for us late at night. And so I have no doubt that she will be carrying forth the torch in California, as all the others will be doing. Having just hosted the Attorney General from California, Ms. Harris, I know that you will be a great comfort and nurturer to her.

PARTISAN POLITICS TRUMPING PATRIOTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, there are some days when I find myself completely baffled by the cynicism of many people who have the privilege to serve here in Washington. Last week, for example, the United States Senate did it again, staying true to its reputation as a graveyard for good legislation. Using the filibuster once again, a minority of Senators blocked the 9/11 Health and Compensation Act. This bill, which the House passed in September, would be the greatest expression of our gratitude for the 9/11 first responders. It would provide health care for those workers who incurred health hazards in their efforts to save lives in the aftermath of that horrific tragedy. But apparently, Madam Speaker, some in Congress are unmoved by the plight of firefighters and emergency medical personnel who breathed in toxic fumes on 9/11.

The only way it appears the right wing in America knows to commemorate 9/11 is through exclusion and religious chauvinism—by insisting that a Muslim community center must not be built even a few blocks away from Ground Zero. They've got no interest whatsoever in lending a compassionate hand to those who answered the call on 9/11; no apparent interest in responding to 9/11 with healing rather than dividing.

□ 1800

No wonder Mayor Bloomberg of New York calls the rejection of the bill ''a devastating indictment of Washington politics, a tragic example of partisan politics trumping patriotism.''

If I had a dollar for every time a colleague on the other side of the aisle invoked the bravery of the 9/11 first responders, I'd probably have enough money to offset the cost of the bill. But talk is cheap, Madam Speaker; they want to play lip service to heroism. They just don't want to invest any actual money to help the heroes. Hundreds of billions in tax breaks for the very richest Americans, that's not only okay by them; it is the one thing that animates the Republican Party more than anything else, but funds for American heroes who got sick answering the call of duty—sorry, that's just too expensive.

Actually, there is one other thing that animates them, and that is the support for endless military occupations halfway around the world. I have yet to hear any of the so-called ''deficit hawks'' ask questions about how we're going to pay for that.

I will not, Madam Speaker, take any claims of fiscal responsibility seriously from anyone who is not willing to put Afghanistan war spending on the table. Between Iraq and Afghanistan, we have now spent more than $1.1 trillion in taxpayer money on wars that have undermined our national security goals, increasing rather than diminishing the terrorist threat.

But what about the folks who were there on that one day that the terrorists attacked? Who jumped right into the debris and now suffer from lung damage and devastating respiratory illnesses? They can't get a modest fund from the country whose values they so valiantly embodied that fall morning 9 years ago.

It is an appalling set of priorities. We ought to bring our troops home at once and reinvest the money in our people, including those who showed such courage and who sacrificed so much on 9/11.

The SPEAKER pro tempore (Mr. SCHRADER). Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

(Mr. MURPHY of Connecticut addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FATTAH) is recognized for 5 minutes.

(Mr. FATTAH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

COURAGE OF CONVICTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

As always, it is an honor and a privilege to address this House, especially when you know the history of this place.

I would like to comment about my friend across the aisle who was talking about the 9/11 first responders. Those were heroes. They are heroes. They are really true testaments to the good in America. So many first responders were going up the stairs to rescue people as most everyone else was fleeing. They are true heroes.

What is not as heroic—in fact, it isn't heroic at all—is to bring a bill before the floor and say, Here is a bunch of heroes we need to help. We're not going to cut spending in any other areas. We know there is massive waste, fraud and abuse all over the place. We know there are entities that really have not been able to show any real benefit to the American economy, to American freedom, to American security; but we are not going to cut those, because those are favored in our eyes, too. We want you to borrow more money from the Chinese and from whoever is willing to keep buying bonds; and apparently, some people aren't willing to buy bonds at all or aren't willing to finance our continued astronomic debt.

So, even though Chairman Bernanke had assured us in a private meeting that he wasn't doing it, whatever he wants to call it, it sure sounds like monetizing the debt when you print money and buy our own debt, whether you do it directly or buy it from a third party who has just bought our debt.

Those are the kinds of things we are doing. We are saying, We see these heroes who deserve to be cared for and who deserve to have their health needs met. We agree on that. There was total agreement on that as far as I know.

What we didn't agree on was saying, So, as to these little children being born now, these little babies who are in their cribs all over the country, we're going to load them down with tens of thousands of dollars of debt before they ever even get their first jobs. We are going to load them up with debt because we don't have the financial responsibility to carve out money that is being wasted and to say this is where we need to send it.

Had that been done, I know the people on my side of the aisle, who I know and talked to about that bill that was so noble in its intent, would have voted for it as well. It doesn't even have to be that heroic. Just carve out some of the waste, fraud and abuse that this government is involved in, and pay for these things.

That was another problem with the so-called ''tax extender bill'' that came before the House this week. There were 36 Republicans who voted against it—not terribly heroic even though most of us knew that there could be consequences. I hear there are those who want to further take away committees. Some of us have been told we won't be subcommittee chairmen in the new Congress. It is ironic to see that those who have the most affiliation with tea party groups and the most conservatism, except for a precious few, are

pretty much being shut out. So we understand there are the consequences of being shut out of any type of leadership power on this side of the aisle when we stand firm on our convictions.

We needed to extend the tax rates. It wasn't going to stimulate the economy, but it was going to help prevent a disaster, a recession—a double dip recession, a triple dip, whatever you want to call it. Extending the current tax rates was the thing to do. It should have been done months or years ago. The problem was we didn't have enough courage on our side of the aisle to stand firm and say, We ran on being financially responsible.

We ran and won the majority, making it clear we were going to stop the deficit spending. We made it clear that, if you give us just one more chance in the majority, then we are going to be responsible financially. We are not going to rush bills to the floor no matter the heroic or noble purpose. We need to protect those children being born and those to be born in this country from having to shoulder the debt that we irresponsibly would not address.

That was the concern of the 36 I know who voted against it. We weren't keeping our promise.

Now, I know the tax extension's current rates were absolutely critical. I also know that the Members on our side of the aisle who I know voted for that bill are just a bunch of wonderful folks who have the best interests of this country at heart. They love America. I know people on both sides of the aisle love America and want to do what is best for America, but we have dramatically different visions of how you do that. Frankly, the Democrats won the majority in November of 2006 because we had been doing some deficit spending.

□ 1810

And even though there were wars going on, it needed to stop, and America said that: Okay, Democrats, you've made clear you're going to stop the deficit spending so we'll give you a chance to do that. Four years later, the deficit spending had gone on steroids like nothing anybody has ever seen anywhere in the world. $3 trillion in deficits in 2 years? It's just unfathomable.

So to come in when we've already saddled that much debt, where we're borrowing over 50 cents of every dollar this majority across the aisle was spending, that's just irresponsible. It's just wrong.

So I deeply regret that my friends across the aisle that brought forth the 9/11 first responders bill did not also carve out the money from things that were not worthy and say this money can be better spent for heroes in this country, and we're going to responsibly do it without adding debt to those who come after us, because in our position, our generation, those of us who are serving in Congress now, we're only here not because we deserve to be born in this country, or those that emigrated to this country deserved to emigrate into here. We are here because of the grace of God, the blessings of God and because this Nation was blessed for over 200 years as a Nation and 200 or 300 years before that going back to Columbus, 1492, and his sacrifice and his courage and even putting his life on the line when the crew was ready to turn back and putting his life on the line in an effort to keep the crew on track, to give it a few more days, which they did, and as a result, we have so much for which to be grateful and thankful.

But we've been irresponsible, and there are those of us that knew by taking a stand against unpaid-for spending that we ran the risk of being further ostracized by our own party, not getting committees, being removed from committees, not getting chairmanships. We understand that. But this was an important principle. It was important that we try to keep our word when we can.

And I appreciated what my friend from Michigan THADDEUS MCCOTTER had said in talking and justifying his vote against this massive deficit growth because, as we all know, we won the majority. The Republicans won the majority. Come January 5, we will have the majority in this House. It will be a Republican Speaker, JOHN BOEHNER, who will be in the Speaker's chair up there. We will control the House of Representatives for the first time in 4 years. Still won't control the Senate. We'll have additional Senators we didn't have 2 years ago and 4 years ago, and President Obama will still be President, but we will hold the majority in the House of Representatives.

So what THADDEUS had to say was that forcing us to vote for a bill, even though it had this extension of the current tax rate that would help avoid a massive recession, is a bit like Custer saying, Come on, boys, let's attack before there are more of us. Didn't make a lot of sense to some of us. We were going to have more leverage to do what was right and best for this country before we had a majority because it seems to me that once we had the majority, if we will stand on principle then, that we can tell the Senate we're not going to deficit spend. You can't dangle things that we know in our hearts at this end are good for the country and expect us to buy into your deficit spending—we're not going to do it. That that would have been an awful lot of leverage.

And we also know that taxpayers at the lowest tax-paying levels were going to see their income tax go up 50 percent. People that pay 10 percent in income tax were going to have their taxes go up to 15 percent. That's massive when you're not making very much. And the highest wage earners were going to see their taxes go from 35 to about 39½ percent. It was an increase but percentage-wise not anything like at the lowest wage earner level. So there was going to be leverage.

And I appreciate Mr. MCCOTTER's comment. It's like Custer saying, Come on, boys, let's attack now before there are more of us. Well, the tax extension bill was passed, and there are those who said, LOUIS, you were the one who came up with the payroll tax holiday, and this bill had your bill, your idea in there. It did not. It had a 2 percent reduction from 6.2 percent down to 4.2 percent as the Social Security tax rate. So it was clever, but that also gives Members of Congress over a $2,100 raise because our Social Security tax—and I guess by saying that, some people in America are shocked. They don't know that we've been paying Social Security tax the whole time I've been in Congress for the last 6 years, but like everyone across America, our Social Security tax will be dropped by 2 percent down from 6.2 to 4.2.

But here again, it was not paid for. We're going to do that on the backs of our children, grandchildren, great-grandchildren. It's wrong, and it needed to be paid for. We ran on the fact that we would do that, and I know the people I talked to that supported that felt like it was what had to be done, but some of us saw it differently, and it may cost us politically but it was the right thing to do.

The Social Security so-called tax or payroll holiday was not paid for, and that was never my idea to have an unpaid-for tax holiday. Because the fact is, that we had enough money from the porkulus, stimulus, whatever you want to call the nine-hundred-and-something billion dollar bill that the President passed immediately, got through Congress, his demand and Speaker PELOSI's pushing, Majority Leader REID's pushing. They got through that monstrosity of a debt increaser. We could have taken that money and had a tax holiday. In my bill, I proposed taking the money from TARP, and I know, I've read the data. Yes, Wall Street contributes to my Democratic colleagues 4–1 over Republicans. I get it. I understand. So obviously they would be for helping Wall Street, so many of them. I've got dear friends who were as offended as I was at what was happening, and I'm grateful for their friendship and for their stance and it did cost some of them.

But we didn't need to be running up the debt, and that's why my tax holiday bill would have allowed people to keep their own money in their own paycheck and, instead of allowing the Secretary of the Treasury—and I agree with Newt Gingrich that probably Hank Paulson was the worst Treasury Secretary we've had certainly in my lifetime, and now Timothy Geithner, he's enjoying having a slush fund where he can throw out, dole out as he sees fit. To Secretary Paulson's credit, he was able to bail out his buddies at his firm Goldman Sachs and see that they not only avoided bankruptcy but got mega wealthy on the backs of the

American taxpayers, and also that AIG was kept from having to reorganize in bankruptcy so they could stay wealthy as well, and also pay like $9 billion, whatever it was they owed, Mr. Paulson's buddies at Goldman Sachs.

□ 1820

But anyway, four-to-one contributions to Democrats over Republicans from Wall Street, and it has really reaped them benefits. The only thing they've had to endure on Wall Street is having the President, having some of the Democrats, by words, accused them of being greedy and money-grubbing and all those words. But they've been able to endure all the slings and arrows that words have brought from the Democratic leadership, including the President, because they knew they were getting megawealthy from their friends they helped elect in the Democratic Party.

A tax holiday needed to be paid for. It would have stimulated the economy. And I realize there are political calculations, and I will readily admit—I may be wrong, but I believe that those who think that having the tax rates extended for 2 years so they have to be debated as the Presidential election is coming up in November 2012 will help Republicans. I didn't see it that way. I still don't see it that way.

I think Republicans are going to pay a price because that 2 percent reduction on Social Security is going to push Social Security more quickly toward bankruptcy or default, and it will enable our friends across the aisle to say, Uh-huh, it's about to go broke. Now you have to raise taxes. Let's do it on those who create jobs. Let's do it on the wealthy. Let's do it on those in small business. Let's pop them hard, raise their taxes. And because people will not want to see their tax rates go up, including their Social Security rate go up, then there will probably be more political interest in raising taxes than our friends across the aisle were not able to do in the last few months.

They may be able to do it through the Senate and through the things that are sent down here in late 2012 because, as one of our friends here on this side of the aisle had said, we've got to be careful, because as this tax extender/stimulus bill showed, when we send the clear message to the administration in the White House and to our friends in the Senate that we stand firmly on our principles, we will not yield, we will not give in to deficit spending unless you give us something in the bill that we know will be good for America, then we'll keep deficit spending, so we get a net wash and maybe net damage. That's not a message we needed to be sending, that if you'll give us something that we know helps America, like extending the current tax rates, we'll forgo our principles on standing firm on stopping deficit spending. It's very unfortunate.

But I would also submit that with regard to the unemployment benefits, 13 more months that were added, I understand, the thought was that this was out of compassion, to help those who are not working, when real compassion would be creating jobs. The best Christmas present you could give so many Americans this year would be a job—that would have been the thing to do—instead of paying people to continue staying at home.

Now, I know people who have been looking constantly for employment, but because of their age, the things that they have been doing for a living, they can't find a job. I understand that. But true compassion would have been to say, You know what? We went from a matter of months of unemployment insurance we would pay to 2 years, 99 weeks of unemployment that our Democratic friends had pushed through. And now we've added unpaid-for deficit spending, 13 more months of unemployment on top of what we've already done. Compassion would have said, We're more interested in you getting a good job than paying you to continually lose more and more of your self-esteem because you can't find a job, continually go into more depression, as so many I know are because they can't find a job. We would have been better off saying, You know what? In 26 weeks, a year, 99 weeks, another 13 months on top of that, you know, you haven't been able to find a job 6 months or a year? If you haven't, then this is what we need to do. Instead of paying you to sit at home and not work because there are no jobs in your area of expertise, we're going to pay you to retrain in areas where there are jobs. That would be more compassionate. Re-create some self-esteem in people who have lost theirs. That would be more compassion.

Now, we're coming back next week into session, and of course it costs money every time we bring this body back into session. People fly back in from all over the country, drive back in from some places. Some people stay here and don't go home much and lose touch with their constituents. But those of us who go home when we're not in session, it costs money to come back and forth.

It shocks people sometimes to see us flying commercially because they think just because Speaker PELOSI had her own 757 that we all have private planes and fly on those. We don't. And to soon-to-be Speaker BOEHNER's credit, he's giving back that 757 to the Air Force. That's going to be a big deal. That's going to be so helpful to those who are serving in our military service that have been without that plane for the last some years now.

We're coming back next week. It really wasn't necessary, except that there are Members in the majority of the Senate who are not satisfied to have a continuing resolution that would extend the current rate of spending into next year. What was discussed in here, some of our friends across the aisle, they were willing to have a 2-, 3-month—some less, some more—but are probably going to have a 2-month continuing resolution to continue the current level of spending into, say, next February, and that would give Republicans a chance to get in here. We wouldn't get much time. It's going to mean a lot of work to figure out the proper appropriations to fill in, carry forward after that resolution runs out. But that was going to be agreeable, it sounded like, to this House.

However, the Senate says, You know what? We're not satisfied. We want to pull out more Christmas presents from the American public, from the taxpayers, even though we realize they don't have the money now. We don't have it in the Treasury. We'll have to borrow it. We'll have to print it. We've got too many more Christmas presents we want to come up with to help our buddies with. And so we're not ready to just continue this current level of spending. We've got too many Christmas ornaments we want to put on that spending resolution. That's why we're coming back next week.

We've got a 5-day resolution to keep spending at the current level, and we'll have to come back next week because the Democrats in the Senate—and I can really understand. You know, Majority Leader REID, he had a tough-fought race and had tough opposition, lots of people helping, narrowest race that he might have expected, but he won. And so, by golly, as the old saying has gone for centuries, to the victor goes the spoils. So he is wanting some of these spoils to be put on these bills and not have a clean spending resolution. I get it. I understand that. But it sure would be better for America to stop the runaway spending, stop all the pork being added to these bills, stop all the special earmarks, whether they are going to Republicans or Democratic Senators. It needs to stop. Let's get our spending under control.

□ 1830

So there will be a Christmas present there. My friend, Dr. GINGREY, was speaking in the well about Guantanamo Bay. I can't think about Christmas without thinking about the Christmas present to the five people that have self-admitted that they planned 9/11 and that they were, as of December 8 of 2008, had indicated to the judge at Guantanamo that they were ready to plead guilty. They would enter no more motions. They were ready to get this over with.

And then Senator Obama was elected President, and they immediately sent out the word that they were going to probably be bringing these people to New York City, costing no telling how many billions of dollars to try to protect the city, no telling how much money would have to be spent to prepare facilities. They couldn't be as safe as they are in Guantanamo. I have been there. I have been through them. As a former judge, those were well-thought-out judicial facilities there,

well-thought-out facilities for consultation between the defendants and their attorneys, well-thought out facilities both from a protection aspect and from a judicial aspect.

But Senator Obama made clear that they were going to give them a Christmas gift. They didn't call it that, but obviously that is what it was. Certainly those five don't celebrate Christmas, but they sure did get a Christmas present because after they announced they were going to plead guilty, the administration made clear they were going to give them a good show trial in New York City. So they withdrew their indication that they were going to plead guilty and move forward.

So they have had a wonderful Christmas present. It is good to see the charity for others, and that is interesting charity that was provided by this administration to those who planned and plotted and were able to see 3,000 Americans killed on 9/11. It was wonderful to see the charity, but the problem is we take an oath to defend this country, basically the Constitution, against all enemies foreign and domestic; and it is a problem when you don't do that.

So they got a Christmas present 2 years ago, and they have continued to have a Christmas present. The administration, Attorney General Holder and the President, have given them another one because they have announced we don't know when we are going to get around to trying you so you can't get the death penalty for the foreseeable future because, heck, here is a gift—life. You didn't give the gift of life to those 3,000 Americans on 9/11; you took theirs, but we are going to give it to you and perhaps there is some feeling by us showing them such wonder and gratitude and love and affection that perhaps they will end up embracing us.

But the pleadings that Khalid Sheikh Mohammed has filed on behalf of himself and the other four planners of 9/11 make pretty clear, as they say in their pleading that was filed in March of last year, they praise Allah. If we caused you terror, they say praise Allah. And that it is not over. They say they will defeat us, and we will be destroyed just as surely as those Twin Towers were on 9/11. But the administration has given a gift to them that seems to keep on giving.

We took up the DREAM Act this week. There are people who came over, were brought over as children and who had no control of being brought into this country. So it is easy to understand the warmth and the compassion for people like that. I have met some. They have done well in school, some that I have met. The problem is that they were brought here illegally. And a bigger problem is that still we have not secured our border.

And as we found in 1986, with all of those promises, okay, we will do this, one time in American history, we will give this amnesty to everyone who is here illegally and then we will never do it again because nobody else is getting amnesty. One small problem: they did not secure the borders so now there are millions and millions and millions of people here illegally. Now we are talking about amnesty again.

Some of us had a problem with the bill because it created the ability for people to say, you know what, I meet the criteria here. I am under 16. I have been here more than 5 years and so make me a citizen and then I can turn around and declare that I need my parents here so I can use chain migration to add those who came illegally.

So that is a problem. You say, no, under that DREAM Act, the Secretary of Homeland Security was going to make the determination of whether they fit the criteria. But when I read the bill, I was shocked to see that Homeland Security, the Secretary of Homeland Security, had complete authority. Nobody else had it, undivided authority to grant or not grant the existence to stay here under the DREAM Act and amnesty and the ability to ultimately become citizens. It didn't give it to the Department of Justice because under the Department of Justice is where you find immigration judges. The bill doesn't allow for them. It gives complete authority to Homeland Security.

Now having been a judge, I know if someone were to come before me with an affidavit that says I am under 16 and I have been here for more than 5 years, and if I were looking at the person who provided the affidavit or the sworn testimony, that I might say: But sir, your hair is white or gray or you are balder than I am and your skin is more wrinkled than mine from many, many years out in the sun. I don't believe you are under 16. Perhaps he would be met with words, sometimes through an interpreter: Oh, yeah, I have lived a hard life. That is why my hair is so white and my skin is so wrinkled. Well, an immigration judge would know that unless there is some extraordinary disease, this person is not under 16 years old.

However, when the Secretary of Homeland Security has complete unadulterated authority to decide anything she sees fit, and not only that, a provision that even if they don't meet any of the requirements, she can waive them, that is not a good bill. And especially when they add a provision that whether or not you meet a single one of the requirements to allow you to have the amnesty in the DREAM Act, the mere act of filing the petition will stay enjoined basically any effort to remove you from the country.

Well, we can have some pretty heinous folks around here who should be removed; but under the bill, once they file a petition, even though they are clearly not under 16, that effort is stayed. They have to allow them here pending a decision by the Secretary of Homeland Security. It is not a good idea.

Now, with regard to the Don't Ask, Don't Tell damage we have done this week in the House, I understand there are many who mean well. There are some who think it would be a great thing to give all of these civil rights to people in the military. But anything that is an impediment to the good order and discipline of the military is not good for the military. The military does not have the civil rights everybody else has. That is why under the Constitution Congress is allowed to do as it did and create the Uniform Code of Military Justice so when I was in the military if I had been arrested for something, I didn't have a right to a random selection of jury panel. The same person who signs the order ordering you to court martial is the same one who gets to pick the jurors who will sit on your case.

Now people in civic life in America would not stand for that. Civilians would not. It would be unconstitutional. But not in the military because they don't have the rights that we do.

I know when I was in the Army at Fort Benning, a young man there in the barracks could not control his overt feelings of homosexuality and so he misread indications from another person in the barracks and found out that he had misread when he crawled into his bunk with him late one night and his advances were not met with the kind of affection that he had hoped.

□ 1840

That's not good for the good order and discipline. When we have people who cannot control their hormones, no matter whether it's heterosexual, homosexual, whatever, they are an impediment to the military. And we outprocessed people at Fort Benning when I was there who couldn't control their overt sexuality, whatever it was.

There are some people across America that mean well with this but don't realize this is being shoved down the military's throat. It would have been far more appropriate to have done a survey where the respondents—all of those in the military—are asked and submit a ballot to give their feelings about what effect it would have and whether or not they would reenlist, they would re-up, they would do another term, find out so that it could not be adversely affected in their OER or their enlistment ratings. And then take that result—because we have a voluntary military some have lost sight of, they don't have to stay in. So when we talk about losing hundreds or thousands of people who want to practice homosexuality openly in the military, there has been no regard for how many thousands or tens of thousands—or who knows how many because a survey wasn't properly done—we don't know how many we will lose, but it will be a lot of people as they have certainly conveyed that to some of us privately.

And there were no solutions in this bill for how you deal with living conditions. Do you put gay men and heterosexual men together? Do you put gay

men together? There are all kinds of questions that needed to be properly studied and have not been. But I understand before this group lost the majority across the aisle they had to pander to people who were demanding this kind of thing, but it sure wasn't the military making that demand.

And just as I know there are proponents of this bill who thought they knew what the majority in their district felt, and then it turned out they didn't know what the majority of the people in their district felt because they got beat, and just as there were people in leadership across the aisle who thought they knew what the majority of America was thinking and that tea parties were ''astroturf,'' and then it turned out they completely misread America, there is a decent chance they were misreading the military on this as well. But we rushed headlong, not giving proper concern to the vast majority of those in the military and whether or not they would reenlist, whether or not we would do damage to the good order and discipline.

But you can expect, if Don't Ask, Don't Tell is repealed—it's working fine; if you can control your sexuality, whatever it is, then you stay, you serve. You love your country, it's not overt, then you stay and you serve. Certainly there were homosexuals that were good soldiers in the military when I was there, but it was a private matter and remained that way, and so it did not affect, unless it became overt, the good order and discipline of the military. You can expect though, if that becomes law, there will be demands by those in the military saying, hey, now that we can be overt in the military, we demand to have barracks, we demand to have quarters where we can live together as husband and husband and wife and wife, and now you've got to redo that.

And then of course once that is rammed through the military as well—because they don't have a choice, they can't object to anything the Commander in Chief throws their way because that is a court martial-able offense—they give up their right to free speech, in fact, in the military. It's going to have a tremendous effect across America, which is what was desired.

I also know that there are people across America, including at the White House, who say this is not a Christian Nation. And I will continue not to debate that point because maybe they're right, I don't know. But I know the foundation of the country, I know how we got started. And so we are coming back, we're told, next Tuesday into session perhaps for part of one day. I could not be sure that we would actually have Special Orders during that one day we come back to deal with the Christmas presents that the Senate Democrats want to convey to people, so I wanted to make sure that this was in the RECORD this year.

And so, Mr. Speaker, if I might inquire at this time how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas has 17 minutes remaining.

Mr. GOHMERT. Thank you, Mr. Speaker.

Franklin D. Roosevelt, December 21, 1941, said these words—I won't read the whole thing, but he said, ''Sincere and faithful men and women are asking themselves this Christmas how can we light our trees, how can we give our gifts, how can we meet and worship with love and with uplifted spirit and heart in a world at war, a world of fighting and suffering and death? How can we pause even for a day, even for Christmas day, in our urgent labor of arming a decent humanity against the enemies which beset it?'' He goes on and he says, ''I do hereby appoint the first day of the year, 1942, as a day of prayer, of asking forgiveness of our shortcomings of the past, of consecration to the tasks of the present, and asking God's help in spirit, but strong in the conviction of the right, steadfast to endure sacrifice, and brave to achieve a victory of liberty and peace.''

He said, ''Our strongest weapon in this war is that conviction of the dignity and brotherhood of man which Christmas day signifies. Against enemies who preach the principles of hate and practice them, we set our faith in human love and in God's care for us and all men everywhere. And so I am asking, my associate, my old and good friend, to say a word to the people of America, old and young, tonight, Winston Churchill, Prime Minister of Great Britain,'' at which time Prime Minister Winston Churchill gave a Christmas message for America because they thought Christmas was a national treasure. And so it was.

In 1942, Roosevelt said these words, ''It is significant that tomorrow, Christmas day, our plants and factories will be stilled. That is not true of the other holidays we have long been accustomed to celebrate. On all other holidays work goes on gladly for the winning of the war, so Christmas becomes the only holiday in all the year. I like to think that this is so because Christmas is a holy day. May all it stands for live and grow throughout the years.''

In 1944, Franklin D. Roosevelt said, ''It's not easy to say 'Merry Christmas' to you, my fellow Americans, in this time of destructive war, nor can I say 'Merry Christmas' lightly tonight to our Armed Forces at their battle stations all over the world or to our allies who fight by their side. Here at home, we celebrate this Christmas day in our traditional American way because of its deep, spiritual meaning to us, because the teachings of Christ are fundamental in our lives, and because we want our youngest generation to grow up knowing the significance of this tradition and the story of the coming of the immortal prince of peace and goodwill.'' Those are Franklin D. Roosevelt's words, 1944.

He went on and said, ''They know the determination of all right-thinking people and nations, that Christmases such as those we have known in these years of world tragedy shall not come again to beset the souls of the children of God. This generation has passed through many recent years of deep darkness, watching the spread of the poison of Hitlerism and fascism in Europe, the growth of imperialism and militarism in Japan, and the final clash of war all the over the world.

□ 1850

''Then came the dark days of the fall of France and the ruthless bombing of England and the desperate battle of the Atlantic and Pearl Harbor and Corregidor and Singapore. Since then, the prayers of good men and women and children the world over have been answered.''

He goes on and says, ''We pray that until that day when peace comes, God will protect our gallant men and women in the uniforms of the united nations, that he will receive into his infinite grace those who make their supreme sacrifice in the cause of righteousness, in the cause of love of him and his teachings.''

Roosevelt went on and said, ''We pray that with victory will come a new day of peace on Earth in which all the nations of the Earth will join together for all time. That is the spirit of Christmas, the holy day. May that spirit live and grow throughout the world in all the years to come.''

Harry Truman, in his message on December 24th of 1946, included these words. He said, ''Again our thoughts and aspirations and the hopes of future years turn to a little town in the hills of Judea where on a winter's night 2,000 years ago the prophecy of Isaiah was fulfilled. Shepherds keeping watch by night over their flock heard the glad tidings of great joy from the angles of the Lord singing 'Glory to God in the highest, and on Earth peace, good will toward men.' ''

Truman went on and said, ''The message of Bethlehem best sums up our hopes tonight. If we as a nation and the other nations of the world will accept it, the star of faith will guide us into the place of peace as it did the shepherds on that day of Christ's birth long ago.

''I am sorry to say all is not in harmony in the world today. We have found that it is easier for men to die together on the field of battle than it is for them to live together at home in peace. But those who died have died in vain if in some measure at least we shall not preserve for the peace that spiritual unity in which we won the war.

''The problems facing the United Nations, the world's hope for peace, would overwhelm faint hearts. But as we continue to labor for an enduring peace through that great organization, we

must remember that the world was not created in a day. We shall find strength and courage at this Christmastime because so brave a beginning has been made. So, with faith and courage, we shall work to hasten the day when the sword is replaced by the plowshare and nations do not learn war anymore.''

He went on and said, ''He whose birth we celebrate tonight was the world's greatest teacher.'' He said, ''Therefore, all things whatsoever ye would that men should do to you, do ye even so to them, for this is the law and the prophets. Through all the centuries since he spoke, history has vindicated his teaching. In this great country of ours has been demonstrated the fundamental unity of Christianity and democracy. Under our heritage of freedom for everyone on equal terms, we also share the responsibilities of government.''

He went on and said, ''We have this glorious land not because of a particular religious faith, not because our ancestors sailed from a particular foreign port. We have our unique national heritage because of a common aspiration to be free and because of our purpose to achieve for ourselves and for our children the good things of life which the Christ declared he came to give all mankind. We have made a good start toward peace in the world. Ahead of us lies the larger task of making the peace secure.

''The progress,'' Truman said, ''we have made, gives hope that in the coming year we shall reach our goal. May 1947 entitled us to the benediction of the master, 'blessed are the peacemakers for they shall be called the children of God.' Because of what we have achieved for peace, because of all the promise our future holds, I say to my fellow countrymen, Merry Christmas.'' He didn't say ''happy holidays,'' but Truman said ''Merry Christmas.'' ''Merry Christmas, and may God bless you all.''

There are so many wonderful Christmas messages over the generations from different presidents. I love Truman's comment in '48 when he said, ''The God that made the world and all things herein hath made of one blood all nations of man for to dwell on the face of the Earth.'' Truman said, ''In the spirit of that message from the Acts of the Apostles, I wish you all a Merry Christmas.''

In 1953, Dwight Eisenhower had these words for us. On December 24th, 1953, he said, ''This evening's ceremony here at the White House is one of many thousands in American traditional celebration of the birth almost 2,000 years ago of the Prince of Peace. For us this Christmas is truly a season of good will and our first peaceful one since 1949. Our national and individual blessings are manifold. Our hopes are bright, even though the world still stands divided in two antagonistic parts.

''More precisely than in any other way, prayer places freedom and communism in opposition, one to the other.'' Eisenhower said, ''The communist can find no reserve of strength in prayer because his doctrine of materialism and stateism denies the dignity of man and consequently the existence of the God. But in America,'' Eisenhower says, ''George Washington long ago rejected exclusive dependence upon mere materialistic values. In the bitter and critical winter at Valley Forge, when the cause of liberty was so near defeat, his recourse was sincere and earnest prayer. From it he received new hope and new strength of purpose, out of which grew the freedom in which we celebrate this Christmas season.

''As religious faith is the foundation of free government, so is prayer an indispensable part of that faith.'' Eisenhower said, ''Would it not be fitting for each of us to speak in prayer to the father of all men and women on this Earth of whatever nation, of whatever race and creed, to ask that he help us and teach us and strengthen us and receive our thanks? Should we not pray that he help us; help us to remember that the founders of this, our country, came first to these shores in search of freedom, freedom of man to walk in dignity, to live without fear beyond the yoke of tyranny, ever to progress; help us to cherish freedom for each of us and for all nations. Might we not pray that he teach us, teach us the security of faith. And may we pray that he strengthen us. Should we not pray that he receive our thanks, for certainly we are grateful for the opportunity given us to use our strength and our faith to meet the problems of this hour. And on this Christmas Eve, all hearts in America are filled with special thanks to God that the blood of those we love no longer spills on battlefields abroad. May he receive the thanks of each of us for this, his greatest bounty, and our supplication that peace on Earth may live with us always.''

Now, at that time we were at peace, when Eisenhower spoke those words. But, of course, we have men and women losing their lives in uniform for our benefit and our freedom and we should, as Eisenhower said, remember them in prayer both for their safety and thanks giving.

President Kennedy had wonderful, wonderful Christmas messages, as did other Presidents.

□ 1900

But let me make sure people understand who don't understand Christianity and don't understand that it is possible to love someone and not agree with their lifestyle; that it's possible to even lay down one's life for people they love even though they disagree completely with their lifestyle.

I serve with colleagues here, as the gentleman from Massachusetts pointed out, who serve here and are openly avowed homosexuals. And I understand that. I have friends who practice homosexuality—people I love, care about. There are people who practice adultery as heterosexuals. And in all those cases, as a member of the military, I would gladly lay down my life for them and their freedom because, as Jesus taught, you don't have to embrace or love somebody's lifestyle to love them with all your heart.

But as we approach this Christmas season, I hope that we will re-engender a love for those yet to take a breath in this world, who are in utero; that we will have a love and affection for those who are being overwhelmed with taxes before they even get their first job; and we will act responsibly to show that love and to cease the damage we're doing to this country. Those are adequate matters of prayer.

And in this, the last hour of this week before we approach the week of Christmas, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for December 16 and the balance of the week.

Mrs. NAPOLITANO (at the request of Mr. HOYER) for today on account of official business in district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)

Mr. CARNAHAN, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. LEE of California, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. YARMUTH, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Ms. CLARKE, for 5 minutes, today.

Ms. JACKSON LEE of Texas, for 5 minutes, today.

Mr. FATTAH, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, December 20 and 21.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 4036. An act to clarify the National Credit Union Administration authority to make stabilization fund expenditures without borrowing from the Treasury; to the Committee on Financial Services.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2941. An act to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

H.R. 4337. An act to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes.

H.R. 4602. An act to designate the facility of the United States Postal Service located at 1332 Sharon Copley Road in Sharon Center, Ohio, as the ''Emil Bolas Post Office''.

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

H.R. 5605. An act to designate the facility of the United States Postal Service located at 47 East Fayette Street in Uniontown, Pennsylvania, as the ''George C. Marshall Post Office''.

H.R. 5606. An act to designate the facility of the United States Postal Service located at 47 South 7th Street in Indiana, Pennsylvania, as the ''James M. 'Jimmy' Stewart Post Office Building''.

H.R. 5133. An act to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the ''Jesse J. McCrary, Jr. Post Office''.

H.R. 5877. An act to designate the facility of the United States Postal Service located at 655 Centre Street in Jamaica Plain, Massachusetts, as the ''Lance Corporal Alexander Scott Arredondo, United States Marine Corps Post Office Building''.

H.R. 6198. An act to amend title 11 of the United States Code to make technical corrections; and for related purposes.

H.R. 6392. An act to designate the facility of the United States Postal Service located at 5003 Westfields Boulevard in Centreville, Virginia, as the ''Colonel George Juskalian Post Office Building''.

H.R. 6400. An act to designate the facility of the United States Postal Service located at 111 North 6th Street in St. Louis, Missouri, as the ''Earl Wilson, Jr. Post Office''.

H.R. 6516. An act to make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 30. An act to amend the Communications Act of 1934 to prohibit manipulation of caller identification information.

S. 841. An act to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 3036. An act to establish the National Alzheimer's Project.

S. 3199. An act to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss.

S. 3386. An act to protect consumers from certain aggressive sales tactics on the Internet.

S. 3447. An act to amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

S. 3860. An act to require reports on the management of Arlington National Cemetery.

S. 4005. An act to amend title 28, United States Code, to prevent the proceeds or instrumentalities of foreign crime located in the United States from being shielded from foreign forfeiture proceedings.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Tuesday, December 21, 2010, at 10 a.m.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 6523, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, for printing in the CONGRESSIONAL RECORD.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 6523, THE IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011, AS INTRODUCED IN THE HOUSE ON DECEMBER 15, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (−) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact[a]	3,973	−3,968	−6	1	−2	4,370	141	−4,511	1	1	−2	0

[a] H.R. 6523 would affect direct spending, mostly by shifting the timing of certain military retirement payments.

Source: Congressional Budget Office.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

10994. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2008, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

10995. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Truth in Lending [Regulation Z; Docket No.: R-1394] (RIN: AD-7100-56) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10996. A letter from the Chairman, National Credit Union Administration, transmitting the 2008-2009 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1752a(d); to the Committee on Financial Services.

10997. A letter from the Director, Office of Policy, Reports and Disclosure, Department of Labor, transmitting the Department's final rule — Rescission of Form T-1, Trust Annual Report; Requiring Subsidiary Organization Reporting on the Form LM-2, Labor Organization Annual Report; Modifying Subsidiary Organization Reporting on the Form LM-3, Labor Organization Annual Report; LMRDA Coverage of Intermediate Labor Organizations; Final Rule (RIN: 1215-AB75; 1245-AA02) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

10998. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Conduct of Employees and Former Employees; Exemption From Post-Employment Restrictions for Communications Furnishing Scientific or Tecnological Information (RIN: 1990-AA31) received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10999. A letter from the Secretary, Department of Veterans Affairs, transmitting the Inspector General's semiannual report to Congress for the reporting period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

11000. A letter from the Secretary, Department of the Interior, transmitting the Department's semiannual report from the office of the Inspector General for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

11001. A letter from the Assistant Attorney General for Administration, Department of

Justice, transmitting the Department's FY 2010 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

11002. A letter from the Secretary, Department of Labor, transmitting the Semiannual Report of the Inspector General for the period April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

11003. A letter from the Director, Office of Adminstration, Executive Office of the President, transmitting accounting expenditures from the Unanticipated Needs Account for fiscal year 2010, pursuant to 3 U.S.C. 108; to the Committee on Oversight and Government Reform.

11004. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

11005. A letter from the Administrator, General Services Adminsitration, transmitting a semiannual report on Office of Inspector General auditing activity, together with a report providing management's perspective on the implementation status of audit recommendations for the period April 1, 2010 to September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

11006. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — National Historical Publications and Records Commission Grants [FDMS Docket: NARA-10-0001] (RIN: 3095-AB67) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

11007. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's Performance and Accountability Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

11008. A letter from the Director, Office of Government Ethics, transmitting the Office's Performance Accountability Report for Fiscal Year 2010; to the Committee on Oversight and Government Reform.

11009. A letter from the Chairman, Postal Service, transmitting the Semiannual Report of the Inspector General on the Audit, Investigative, and Security Activities of the Postal Service (SAR) for the period of April 1, 2010 through September 30, 2010, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

11010. A letter from the Chief, Branch of Listing, USFWS, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for Santa Ana Sucker [Docket No.: FWS-R8-ES-2009-0072] [92210-1117-0000-B4] (RIN: 1018-AW23) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11011. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Emergency Rule To Establish a Manatee Refuge in Kings Bay, Citrus County, Florida [Docket No.: FWS-R4-ES-2010-0079] [92220-1113-0000-C3] (RIN: 1018-AX27) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11012. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Designating Critical Habitat for Ambrosia pumila (San Diego ambrosia) [Docket No.: FWS-R8-ES-2009-0054; MO92210-0-0009-B4] (RIN: 1018-AW20) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11013. A letter from the Acting Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Polar Bear (Ursus maritimus) in the United States [Docket No.: FWS-R7-ES-2009-0042] [92210-1117-0000-FY09-B4] (RIN: 1018-AW56) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11014. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants Designation of Critical Habitat for the Vermilion Darter [Docket No.: FWS-R4-ES-2009-0079] [MO 92210-1117-0000-B4] (RIN: 1018-AW52) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11015. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Increased Safety Measures for Energy Development on the Outer Continental Shelf; Correction [Docket ID: BOEM-2010-0034] (RIN: 1010-AD68) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11016. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No.: 0907301205-0289-02] (RIN: 0648-XZ70) received December 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

11017. A letter from the Secretary, Department of Veterns Affairs, transmitting a letter reporting the FY 2010 expenditures from the Pershing Hall Revolving Fund for projects, activities, and facilities that support the mission of the Department of Veterans Affairs, pursuant to Public Law 102-86, section 403(d)(6)(A); to the Committee on Veterans' Affairs.

11018. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's FY 2008 annual report on the Child Support Enforcement Program; to the Committee on Ways and Means.

11019. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Electronic Funds Transfer of Depository Taxes [TD 9507] (RIN: 1545-BJ13) received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11020. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Cost Limitations for Expensing IRC Section 179 Property (Rev. Proc. 2010-47) received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11021. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Deadline to Adopt Certain Retirement Plan Amendments [Notice 2010-77] received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11022. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification to the Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with Section 409A(a) [Notice 2010-80] received December 6, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 1776. A Resolution providing for consideration of the joint resolution (H.J. Res. 105) making further continuing appropriations for fiscal year 2011, and for other purposes (Rept. 111–689). Referred to the House Calendar.

Ms. ZOE LOFGREN of California: Committee on Standards of Official Conduct. In the Matter of Nicole Gustafson (Rept. 111–690). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Judiciary discharged from further consideration. H.R. 3817 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on Agriculture discharged from further consideration. H.R. 3818 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 2 of rule XIII the Committee on the Judiciary discharged from further consideration. H.R. 3890 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 1064. Referral to the Committees on Education and Labor, Energy and Commerce, and Financial Services for a period ending not later than December 21, 2010.

H.R. 1174. Referral to the Committee on Homeland Security extended for a period ending not later than December 21, 2010.

H.R. 1425. Referral to the Committee on Appropriations extended for a period ending not later than December 21, 2010.

H.R. 3376. Referral to the Committees on the Judiciary and Homeland Security extended for a period ending not later than December 21, 2010.

H.R. 4678. Referral to the Committees on Ways and Means and Agriculture extended for a period ending not later than December 21, 2010.

H.R. 5105. Referral to the Committee on Agriculture extended for a period ending not later than December 21, 2010.

H.R. 5498. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 21, 2010.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. INSLEE (for himself, Mr. LARSEN of Washington, Mr. MORAN of Kansas, Mr. TIAHRT, Mr. BLUNT, and Mr. MCDERMOTT):

H.R. 6540. A bill to require the Secretary of Defense, in awarding a contract for the KC-X Aerial Refueling Aircraft Program, to consider any unfair competitive advantage that an offeror may possess; to the Committee on Armed Services.

By Mr. FLAKE:

H.R. 6541. A bill to repeal certain incentives and subsidies for renewable fuels; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON LEE of Texas (for herself, Mr. CONYERS, Ms. WASSERMAN SCHULTZ, Mr. GONZALEZ, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6542. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require the Attorney General to establish guidelines to prevent and address occurrences of bullying, to provide for grant funding to States for programs to prevent and address occurrences of bullying, and to reauthorize the Juvenile Accountability Block Grants program; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. PALLONE, and Mr. STUPAK):

H.R. 6543. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 6544. A bill to amend title 18, United States Code, to provide for the protection of the general public, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 6545. A bill to establish a corporate crime database, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HIRONO:

H.R. 6546. A bill to amend titles 23 and 49, United States Code, to improve the effectiveness of transportation programs on Federal lands and to provide funding for park roads and parkways and the Paul S. Sarbanes Transit in Parks Program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GEORGE MILLER of California (for himself and Mrs. MCCARTHY of New York):

H.R. 6547. A bill to amend the Elementary and Secondary Education Act of 1965 to require criminal background checks for school employees; to the Committee on Education and Labor.

By Mr. SCOTT of Virginia:

H.R. 6548. A bill to apply reduced sentences for certain cocaine base offenses retroactively for certain offenders, and for other purposes; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. JONES, and Mr. CRITZ):

H.R. 6549. A bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes; to the Committee on Ways and Means.

By Mr. KUCINICH:

H.R. 6550. A bill to create a full employment economy as a matter of national economic defense; to provide for public investment in capital infrastructure; to provide for reducing the cost of public investment; to retire public debt; to stabilize the Social Security retirement system; to restore the authority of Congress to create and regulate money, modernize and provide stability for the monetary system of the United States, retire public debt and reduce the cost of public investment, and for other public purposes; to the Committee on Financial Services.

By Mr. CROWLEY (for himself, Mr. SERRANO, and Mr. NADLER of New York):

H.R. 6551. A bill to authorize the Secretary of Education to make grants to States and local educational agencies for abatement, removal, and interim controls of polychlorinated biphenyls in public school facilities; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO:

H.R. 6552. A bill to establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. BARTLETT):

H.R. 6553. A bill to direct the Secretary of Energy to establish a pilot program to award grants and loan guarantees to hospitals to carry out projects for the purpose of reducing energy costs and increasing resilience to improve security; to the Committee on Energy and Commerce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE:

H.R. 6554. A bill to amend the Federal Property and Administrative Services Act of 1949 and title 10, United States Code, to extend the number of years that multiyear contracts may be entered into for the purchase of advanced biofuel, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa (for himself and Mrs. BACHMANN):

H.R. 6555. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Appropriations, Ways and Means, Education and Labor, the Judiciary, Natural Resources, House Administration, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself and Mr. SCOTT of Virginia):

H.R. 6556. A bill to provide for the further temporary extension of the emergency unemployment compensation program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN:

H.R. 6557. A bill to amend chapter 1 of title 3, United States Code, relating to Presidential succession; to the Committee on the Judiciary.

By Mr. OBEY:

H.J. Res. 105. A joint resolution making further continuing appropriations for fiscal year 2011, and for other purposes; to the Committee on Appropriations. considered and passed. considered and passed.

By Mr. POLIS:

H. Con. Res. 336. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Eleventh Congress; considered and agreed to. considered and agreed to.

By Mrs. BONO MACK:

H. Res. 1775. A resolution expressing the sense of the House of Representatives that the United Nations and other international governmental organizations shall not be allowed to exercise control over the Internet; to the Committee on Foreign Affairs.

By Mr. MURPHY of Connecticut (for himself, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. COHEN, Mr. SERRANO, Ms. WASSERMAN SCHULTZ, Ms. SHEA-PORTER, Mr. YARMUTH, Mrs. MALONEY, Mr. HINOJOSA, Ms. CLARKE, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. HIMES, Mr. THOMPSON of Mississippi, Ms. LEE of California, Mr. ORTIZ, Mr. FILNER, Ms. CHU, Mr. FATTAH, and Mrs. MCCARTHY of New York):

H. Res. 1777. A resolution raising awareness of school pushout and promoting dignity in schools; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. DAVIS of Illinois, Mr. CLAY, Mr. HASTINGS of Florida, Ms. FUDGE, and Ms. KILPATRICK of Michigan):

H. Res. 1778. A resolution congratulating Kappa Alpha Psi Fraternity, Inc., on the historic milestone of 100 years of serving local and international communities, maintaining a commitment to the betterment of mankind, and enriching the lives of collegiate men throughout the United States; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia:

H. Res. 1779. A resolution honoring the 50th anniversary of the Freedom Rides; to the Committee on the Judiciary.

By Mr. LEWIS of Georgia:

H. Res. 1780. A resolution supporting the goals and ideals of ''National Nonviolence Week'' to raise awareness of youth violence in the United States; to the Committee on Oversight and Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DRIEHAUS:

H.R. 6558. A bill for the relief of Bernard Didier Pastor; to the Committee on the Judiciary.

By Ms. PINGREE of Maine:

H.R. 6559. A bill for the relief of Selvin Arevalo; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2625: Mr. DAVIS of Illinois.

H.R. 3486: Mr. TIM MURPHY of Pennsylvania.

H.R. 4278: Mr. PETRI and Mr. AUSTRIA.

H.R. 5111: Mr. STUTZMAN.

H.R. 5492: Mr. TOWNS.

H.R. 5939: Mr. STUTZMAN.

H.R. 6072: Mr. MURPHY of Connecticut.

H.R. 6415: Mr. MACK.

H.R. 6459: Mr. COURTNEY.

H.R. 6506: Mrs. MILLER of Michigan.

H.R. 6511: Mr. GOODLATTE and Mr. FLEMING.

H.R. 6521: Mr. DJOU, Mr. LANCE, Mr. TIBERI, and Mr. FORTENBERRY.

H.J. Res. 104: Ms. BERKLEY and Mr. CARNEY.

H. Con. Res. 331: Ms. WASSERMAN SCHULTZ.

H. Res. 308: Mr. DAVIS of Illinois.

H. Res. 1461: Mr. THOMPSON of Mississippi, Ms. DEGETTE, Ms. HARMAN, Mrs. BONO MACK, Ms. WOOLSEY, and Mr. COFFMAN of Colorado.

H. Res. 1725: Mr. PRICE of North Carolina.

H. Res. 1762: Mr. SHULER, Ms. BERKLEY, and Mr. WOLF.

H. Res. 1769: Mr. DELAHUNT.