

H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

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OVERVIEW

The National Defense Authorization Act for Fiscal Year 2011 (NDAA) makes record investments in our nation's military, authorizing a \$726 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 service members 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.

STRENGTHENING COUNTERTERRORISM EFFORTS

This year's bill focuses on further strengthening our national security by continuing the Committee's work in recent years to defend America from terrorists. It fully supports President Obama's new counterinsurgency strategy in Afghanistan, which was the genesis for multiple attacks against our nation, including the terrorist attacks of September 11, 2001. The new plan in Afghanistan continues to show clear signs of success, putting us on the road to victory and ensuring that Afghanistan will no longer be used as a safehaven for terrorists.

The bill provides the resources to our commanders in the field to successfully implement this new strategy and continue 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, this it supports the President's efforts to strengthen strategic partnerships with key nations, such as Yemen.

Importantly, the Committee recognizes that being effective in the fight against terrorism requires more than just capturing or killing terrorists. This bill takes important steps to create a more comprehensive approach to counterterrorism, placing a greater emphasis on understanding the recruitment methods used by violent extremists and taking the necessary action to help prevent them.

The Committee also continues to take steps to improve force protection from terrorists and their allies at home and abroad. To better protect our troops at home, the bill provides funds to implement the initial recommendations of the Fort Hood Follow-On Review to fix vulnerabilities in our force protection identified in the wake of the tragic shooting at Fort Hood. It also requires an additional, more comprehensive study of force protection policies. To protect our troops abroad, the bill provides a rapid acquisition account that would allow our commanders on the ground to cut through the red tape and get equipment they need immediately to protect our warfighters.

STRENGTHENING MISSILE DEFENSE

The FY11 NDAA 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 is both mobile and flexible, and which places the highest priority on our most immediate threats from nations like Iran and North Korea, while still providing us with the flexibility to be prepared for the threats of tomorrow.

STRENGTHENING NUCLEAR NONPROLIFERATION

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. The Committee recognizes that 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.

STRENGTHENING OUR SERVICE MEMBERS AND THEIR FAMILIES

Our nation has the best military in the world, and the Committee 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 1.9 percent pay raise to the troops, increases family separation allowance for service members who are deployed away from their families, increases hostile fire and imminent danger pay for the first time since 2004, and expands college loan repayment benefits. It also allows military families to extend TRICARE coverage to their dependent adult children until age twenty-six.

This year's bill also includes the most comprehensive legislation package ever to address sexual assault in the military, including twenty-eight different provisions to implement into law many of the recommendations of the Defense Task Force on Sexual Assault. It establishes a pilot program to offer an alternative career path to military officers, providing them a broader range of experiences over a longer career. It also establishes a pilot program to help military spouses take advantage of their personal skill sets to identify and obtain desirable and portable careers.

MILITARY PERSONNEL SUBCOMMITTEE

The Military Personnel Subcommittee, led by Chairwoman Susan Davis (D-Calif.), is responsible for overseeing \$197 billion to meet the needs of our service members and their families. This subcommittee makes sure that our troops and their loved ones are receiving the first class benefits that they deserve.

MILITARY PERSONNEL HIGHLIGHTS

- Provides a 1.9 percent pay raise to our troops, 0.5 percent higher than the President's budget request.
- Extends TRICARE coverage to cover dependent children up to age 26.
- Increases the maximum amount of hostile fire and imminent danger pay for the first time since 2004.
- Increases family separation allowance for our service members whose deployment or temporary duty requires them to live away from their families.
- Restores basic allowance for housing payments for two active duty spouses when one or both are on sea duty.
- Introduces the most comprehensive legislative package ever to address sexual assault in the military.
- Sets the stage for the creation of a unified medical command to increase efficiency in providing health care to our service members.
- Provides \$65 million of impact aid to local schools with a high enrollment of military children.

SEXUAL ASSAULT

Following an intense year of work by the Military Personnel Subcommittee, and following years of bi-partisan work by the Committee, this year's bill contains twenty-eight sections that would implement into law many of the recommendations of the Defense Task Force on Sexual Assault in the Military Services—the single most comprehensive legislative package in history to address sexual assault in the military. Among other provisions, the bill will:

- Establish privileged communications between a sexual assault victim and a victim advocate for proceedings in military courts.
- Create a single hotline to report a sexual assault.
- Require DOD to specifically budget for the sexual assault prevention and response program.
- Standardize terms, structure, and training for the sexual assault prevention and response program.

- Elevate the director of the Department’s Sexual Assault Prevention and Response Office to either a general/flag officer of civilian in the Senior Executive Service.
- Clearly articulate the legal rights of military victims of a sexual assault to legal counsel, consultation in the prosecution of their alleged assailants, medical care, and the ability to make a restricted report of a sexual assault so they may receive support services without involving law enforcement.
- Require the Secretary of Defense to further evaluate a number of topics to determine if further regulatory or legislative action is necessary with regard to victim support services, current offenses under the Uniform Code of Military Justice, and sexual assault prevention and response programs in remote or joint environments.

ALTERNATIVE COMMISSIONED OFFICER CAREER TRACK PILOT PROGRAM

In an effort to create an officer corps that is better prepared to assume the responsibilities of waging war, peacekeeping, stabilization, and other critical missions carried out by our military, the Committee created in this year’s bill a pilot program to offer an alternative career track for commissioned officers. This new program will offer a broader range of experiences and opportunities and extend over a longer career, providing more time for officers to experience a greater variety of training and education.

TRICARE EXTENSION

Earlier this year, the President signed into law a bill to overhaul America’s health care system. Because TRICARE is already such a good program, it already would have met all of the minimum requirements of health care reform. However, Congressional leadership made and kept a promise to ensure that TRICARE was not impacted in any way by the health reform bill. Unfortunately, this means that TRICARE beneficiaries are not currently able to extend health coverage to their adult dependent children up to age 26 like the rest of the country. To make sure that TRICARE beneficiaries can enjoy this same opportunity, this year’s NDAA includes language from legislation introduced by Congressman Martin Heinrich (D-N.M.) to allow TRICARE beneficiaries to extend coverage to their dependent children until age 26, the same benefit that was afforded to individuals with private insurance policies under the new health care law.

MENTAL HEALTH CARE

As our nation’s military continues its ninth consecutive year of combat, the strain on its medical services continues to increase. The Committee continues its commitment to making sure that our men and women in uniform and their families have access to the highest quality care, and it remains concerned about the lack of qualified health care professionals—particularly mental health care providers—to treat our service members. This year’s bill continues the Committee’s

work from previous years to help address these concerns, such as requiring the services to increase their numbers of authorized mental health providers by twenty-five percent and increasing the number of Health Professions Scholarship and Financial Assistance Program (HPSP) scholarships for mental health providers. It allows an exemption for medical providers older than age 42 to be considered for regular appointments, providing our active forces greater flexibility to recruit health care professionals. It also increases incentives for students in health care education programs to pursue military careers by allowing HPSP participants to also receive payments from the Active Duty Health Professions Loan Repayment Program (ADHPLRP).

END STRENGTH

The Committee commends the Secretary of Defense for proposing an increase in end strength for the Army in FY11, which this bill authorizes. The bill also authorizes the request for an increase in the Air Force and recognizes a requirement for Navy end strengths to temporarily remain at a higher level, although the Committee remains concerned that these increases may be insufficient to meet the increased operational tempo and increasing support requirements being generated by more than eight years of war.

PERSONALIZED CAREER DEVELOPMENT FOR MILITARY SPOUSES

Military spouses have an inherent resilience, and their unique experience provides them with a skill set that aligns with some of the Department's critical civilian specialty positions. Recognizing the strong contributions they can provide to the workforce, the Committee included in this year's bill a provision to establish a career development pilot program for military spouses. Under this program, military spouses will receive customized guidance to help them take advantage of their personal strengths and skill sets to identify, meet the requirements of, plan for, and obtain desirable and portable careers.

UNIFIED MEDICAL COMMAND

In order to more efficiently provide our service members, their families, and retirees with the health care they need, and to help control growing health care costs without resorting to excessive fee increases, the bill sets the stage for the creation of a Unified Medical Command modeled after the structure of Special Operations Command. The Unified Medical Command would remove many of the challenges in place under the current structure that are caused by disconnect between requirements determination, performed by the services, and resource allocation, currently controlled by the Assistant Secretary of Defense for Health Affairs. The Military Health System has an organizational structure unlike any other in the Department of Defense, and given its demonstrated shortcomings, the Committee believes that it is time to move toward a proven command structure.

IMPROVED OVERSIGHT OF MEDICAL TRAINING RELATED TO THE SHOOTING AT FT. HOOD

The Committee is concerned that substandard or unacceptable behavior displayed by students and residents training to become military physicians may not be properly documented in military personnel records, as indicated by the findings of the DOD Independent Review Related to Fort Hood. To address this concern, the bill requires the Secretary of Defense to perform a review of training programs for military Medical Corps offices to determine whether their academic and military performance has been properly documented in their military personnel records.

WOMEN IN COMBAT

The bill directs the Secretary of Defense to review the military occupational specialties to ensure that our women in uniform have every opportunity to serve to the best of their abilities. This review would also include a review of the collocation policy and whether this and other policies and regulations should be modified or changed.

SPECIAL COMPENSATION FOR VICTIMS OF FT. HOOD AND LITTLE ROCK ATTACKS

The bill designates service members and DOD civilian employees killed or wounded in the attack at Fort Hood, Texas, last November and the attack at the recruiting station in Little Rock, Arkansas, on June 1, 2009, as having been victims of an act of an enemy of the United States in a combat zone or while serving with the Armed Forces in a contingency operation. It also creates a new authority retroactive to November 6, 2009, to provide special compensation to service members and DOD civilians attacked by an individual who targeted them because of their affiliations with the U.S. military. The amount of compensation would be equal to that of service members and civilians killed or wounded in a combat zone or during a contingency operation.

SPECIAL COMPENSATION TO RESETTLE CAREGIVERS

This year's bill authorizes an additional special one-time payment to seriously wounded service members to pay for the relocation costs of their caregivers.

SPECIAL AND INCENTIVE PAYS AND BONUSES

The Committee extends special pays and bonuses for a wide variety of groups and services, including enlistments, reenlistments, accessions, referrals, retention, and critical wartime specialties such as mental health professionals and nurses.

COLLEGE LOAN BENEFITS

The bill gives the authority for a final education loan repayment to be included with the settlement of a service member's final military pay account when he or she is killed or seriously injured in the line of duty. Additionally, it defines a "year of service" to equal deployment of six months or longer in hostile fire or imminent danger zones for the purposes of federal loan cancellation. This would allow a Marine, whose average deployment equals approximately eight months, to qualify for federal student loan cancellation.

WAIVER OF AGE LIMITATIONS TO PROSPECTIVE MILITARY ACADEMY STUDENTS

The bill provides the authority to waive the maximum age limit for students enrolling in a military service academy from 23 to 26 for a qualified enlisted member of the Armed Forces who was unable to enroll in the academy before reaching the maximum age because he or she was deployed in Iraq or Afghanistan.

DUAL STATUS TECHNICIANS

Dual status technicians, who serve in both civilian and uniformed roles, offer a unique full-time capability to our reserve component. This year's bill includes several measures to improve these individuals' benefits and personal quality of their service. It prohibits the requirement to repay bonuses or terminate participation in a college loan repayment program if the bonuses were paid or the participation in the loan repayment program began prior to the military technician employment period. It also urges DOD to issue instructions to Reserve Components to ensure the implementation of a provision in the FY08 NDAA allowing dual-status technicians to continue their employment as technicians when the loss of their membership in the Selected Reserve is the result of a combat-related disability. Additionally, the bill provides the Secretaries of the Army and the Air Force with the permanent authority to hire non-dual status technicians to fill vacancies created when a dual-status technician is deployed. The bill also clarifies the policy that members serving in a reserve component, including members of the National Guard, fall within the jurisdiction of the board operated by the service secretary to correct military records and should benefit from the decision of the board.

RECOGNITION OF MILITARY SPOUSES AND CHILDREN

The Committee recognizes that while our men and women in uniform are on the battlefield making sacrifices for our nation, their families are making sacrifices right beside them. To show our appreciation for military families' personal sacrifices and contributions to our national security, the bill requires the Department to design lapel pins for both military spouses and their children.

RETIRED ANNUITY PAY

The bill requires the Secretary concerned to pay retired annuities on the first day of the month, thus eliminating delayed payments when pay days fall on weekends.

READINESS SUBCOMMITTEE

The Readiness Subcommittee, under the leadership of Chairman Solomon Ortiz (D-Texas), oversees \$301 billion in resources, including \$281 billion for Operation and Maintenance (O&M) of military equipment and installations—the single largest account within the Department’s budget. This subcommittee is responsible for making sure that our troops are properly trained and their equipment is properly maintained so they can succeed in their missions, and it makes sure they have the facilities and services they deserve when they return home. It also oversees civilian personnel, energy security, and environmental issues that affect DOD.

READINESS HIGHLIGHTS

- \$1.2 billion with broad authorities for projects in Afghanistan to allow our commanders on the ground to immediately respond to military construction needs in theater.
- \$9.7 billion, an increase of \$730 million, to fully fund the day-to-day maintenance requirements of DOD facilities.
- \$8.1 billion, an increase of \$500 million, for Active Army Base Operating Services to support day-to-day operations on our Army bases.
- \$345 million to fully fund the first increment of construction funds necessary to modernize DOD schools.
- \$13.6 billion for the training of all active-duty and reserve forces to increase readiness as troops experience greater dwell time following the Iraq drawdown.
- \$109 million for Navy ship and aircraft depot maintenance.
- \$9.9 billion for Army and Marine Corps equipment reset and depot maintenance.
- \$4.5 billion for depot maintenance of active and reserve Air Force aircraft, including an additional \$150 million for Air Force weapon system sustainment to support aircraft depot maintenance requirements.
- \$130 million for energy conservation and renewable energy projects.

READINESS FUNDING

This year’s bill authorizes more than \$281 billion for Operation and Maintenance, including funding for Overseas Contingency Operations. This figure includes an increase of \$12 billion from funds authorized in the O&M base budget in FY10 to support the daily operations, training, and administration of U.S. armed forces at home and abroad. It also includes \$20 billion for military construction, base realignment and closures, and military family housing.

EFFECTS OF WIND TURBINES ON MILITARY OPERATIONS

As the construction of wind farms across the nation has increased, new challenges associated with the obstruction of military training routes and radar are emerging. To address these issues and better balance our energy security and military readiness, the bill provides tools to the Department to identify potential conflicts and remedy them in a timely manner.

GUAM

The Committee remains steadfast in its commitment to the international agreement between Japan and the United States, including the movement of our Marine Corps forces to Guam. This bill includes several key provisions to assist in a smooth implementation of this strategic realignment, including allowing the administration to spend up to \$500 million to provide community infrastructure on Guam to support this move and a process to unify the utility systems on the island.

NUCLEAR CARRIER BASING

The Committee continues to be concerned about proposed plans to move a nuclear-powered aircraft carrier to a homeport in Mayport, Florida. This move would require more than \$550 million in military construction alone, and the Navy has not presented a sufficient risk analysis to support a second nuclear carrier homeport on the East Coast. The bill rejects the Administration's budget request to fund the planning and design funding necessary to create a nuclear homeport in Mayport.

PRIVATE SECURITY CONTRACTING

The bill includes two provisions to improve how the Department uses private security contractors. It establishes a pilot program to allow the Department to award private security contracts in Iraq and Afghanistan based on best value rather than the lowest bid. This would ensure we are not risking the safety of deployed U.S. personnel and the local civilian population by potentially hiring less-qualified contractors. It also requires the Department to establish standards and a third-party certification for all contractors who provide security services to DOD to ensure the quality and experience of private security contractors.

DEPLOYED CIVILIANS

The Committee remains concerned about the benefits provided to DOD civilian employees deployed to combat zones. Federal civilian employees are increasingly providing important support in contingency operations, and many are experiencing serious medical problems upon

returning to their regular assignments. To address this issue, the bill requires each federal agency to assign a post-combat care coordinator to civilian employees who have served in a combat zone. The care coordinators will provide invaluable assistance to these individuals by helping them wade through bureaucratic red tape to get proper medical assistance and the medical benefits owed to them. The bill also includes a one-year extension of the authorization to allow premium pay for civilians deployed to Central Command.

DOD INSOURCING INITIATIVE

Insourcing jobs within the Department of Defense is an important initiative to achieve cost savings and reduce our reliance on private contractors. The Committee supports the Administration's efforts to bring these critical jobs back within the Department to make sure our government has the capabilities and skills necessary to keep our military running. However, the Committee is concerned about arbitrary goals being set for insourcing. The bill prohibits the establishment of any arbitrary goals or targets to implement DOD's insourcing initiative. It also requires reports from both DOD and GAO to examine the insourcing initiative.

CORROSION CONTROL AND PREVENTION

The cost of corrosion to the Department of Defense is approximately \$20 billion annually, of which \$7 billion is thought to be preventable. The Office of Corrosion Policy and Oversight has a proven record of successfully reducing corrosion costs, with a 50-to-1 return on investment on the 169 programs that have been implemented through it. The bill authorizes \$10.8 million, an increase of \$3.6 million from the Administration's request. The Committee notes that it has yet to receive the congressionally directed report from the Director of Corrosion Policy and Oversight assessing the corrosion control lessons learned from the F-22 Raptor fleet—which was grounded in February 2010 for corrosion on ejection seat rods due to poorly designed drainage in the cockpit—as they apply to the F-35 Joint Strike Fighter program.

ENERGY INITIATIVES

The Committee continues to monitor DOD's energy use and encourage the Department to be more energy efficient, increase use of renewable energy, and enhance energy security. This year's NDAA includes several energy-related provisions for operation and maintenance and military installations. It requires the Secretary of each military department and defense agency to give favorable consideration for the procurement of environmentally preferable products and services. It also requires the Department to include in its energy performance plan the consideration of hybrid and high-efficiency vehicles and opportunities for high-performance construction, lease, operation, and maintenance of buildings. In addition, it requires the Secretary of Defense to develop a plan for meeting long-term renewable energy goals.

ENVIRONMENTAL INITIATIVES

The bill authorizes \$296.5 million, an increase of \$20 million, for environmental restoration at former military sites. This funding will be used to address the Department's highest-risk environmental liabilities. In addition, the bill authorizes \$39.8 million, an increase of \$10 million, for the Readiness and Environmental Protection Initiative, which aids in the protection of military training installations from encroachment while preserving natural habitats.

REPORTS ON READINESS

The Committee remains concerned about the significant strain on our military services as our nation moves into the ninth year of continuous combat operations. To assess the extent to which this strain has manifested itself in declining readiness trends across the forces, this year's bill requires a number of GAO reports, including:

- **AIR FORCE'S ABILITY TO TRAIN ON CORE MISSION COMPETENCIES:** A review of the Air Force's ability to train on core missions and capabilities while certain units are fulfilling missions in Iraq and Afghanistan outside of their primary core missions.
- **AUGMENTATION OF ARMY BRIGADE COMBAT TEAMS TO ADVISE AND ASSIST FOREIGN SECURITY FORCES:** A review of the Army's plans for augmenting its brigade combat teams to perform advisory and assistance missions and the use of the teams to support ongoing operations in Iraq and Afghanistan.
- **AVAILABILITY OF FULL-TIME TRAINERS IN THE ARMY:** An evaluation of the availability of full-time trainers in the Army as the service is faced with the deployment of a significant number of training personnel to support ongoing contingency operations.
- **AVIATION ASSETS FOR THE NATIONAL GUARD:** Directs a review of the DOD tactical airlift requirements in light of force structure changes that could negatively affect the ability of the nation to support its homeland defense mission and enable quick delivery of cargo and troops.
- **COMPLETION OF THE ANNUAL TRAINING REQUIREMENTS FOR ARMY AND MARINE CORPS ACTIVE AND COMPONENT FORCES:** A review of the Army's and Marine Corps' ability to complete home station training requirements during a period of decreased dwell times for troops between deployments.
- **LANGUAGE, CULTURAL AWARENESS, AND REGIONAL EXPERTISE:** A review of the military services' plans to improve the effectiveness of efforts to improve the ability to engage in diverse cultures and communicate effectively with local populations, particularly in Iraq and Afghanistan.
- **REVIEW OF ARMY AND MARINE CORPS READINESS REPORTING:** A review of Army and Marine Corps readiness reporting processes to better understand the extent to which recent changes in these processes will help the services more accurately capture data on their readiness levels.

TRANSFER OF AIRCRAFT TO MUSEUMS AND ORGANIZATIONS

Ensuring the public has access to historic aircraft as a means of honoring our nation's veterans is a common goal of both the Committee and DOD. This year's bill mandates the Department, in coordination with other relevant agencies such as Homeland Security and the Federal Aviation Administration, to review the feasibility of transferring aircraft to museums for display or to organizations that will restore and fly the aircraft at air shows.

SEAPOWER AND EXPEDITIONARY FORCES SUBCOMMITTEE

The Seapower and Expeditionary Forces Subcommittee, led by Chairman Gene Taylor (D-Miss.), conducts oversight of our military's naval programs. Through its \$65 billion authorization for Navy and Marine Corps procurement and research and development programs, this subcommittee continues its commitment to reversing the decline in the Navy battle force fleet, strengthening the naval air component, and providing the Marine Corps warfighter with essential equipment for combat operations.

SEAPOWER HIGHLIGHTS

- \$5.1 billion to fund two Virginia-class submarines—the first time the Committee has ever authorized two ships in one year—and \$1.7 billion for advance procurement of two additional vessels in FY12.
- \$949.9 million for the first increment of funding for the amphibious assault vessel LHA-7.
- \$3 billion to fully fund two DDG 51 Arleigh Burke-class destroyers and continue the Committee's support to restart construction of these vessels.
- \$1.5 billion to fully fund two Littoral Combat Ships and related efforts in R&D and mission module procurement.
- \$180.7 million to fund one Joint High Speed Vessel.
- \$380 million to fully fund the remaining construction costs for the first of class Maritime Landing Platform Vessel.
- \$3.3 billion for 30 F-18 strike fighters and 12 EA-18 expeditionary electronic warfare aircraft.
- \$4.1 billion for 20 Navy and Marine Corps F-35 Joint Strike Fighter aircraft.
- \$4.6 billion for 100 Navy and Marine Corps rotorcraft.

MARINE CORPS PROGRAMS

This year's NDAA fully authorizes the \$3.1 billion budget request for Marine Corps procurement with an additional \$126 million for unfunded requirements to help protect our Marines during combat operations. The Committee continues to support development efforts associated with new Marine Corps ground vehicles, including the Expeditionary Fighting Vehicle (EFV), although the Committee remains concerned about the EFV design incorporating a flat-bottom hull that may not be as survivable as an MRAP against an IED threat.

INCREMENTAL FUNDING FOR LARGE NAVAL VESSELS

The Committee believes that separate requests to incrementally fund large surface combatants are administratively unnecessary. To allow the Department to more evenly match budget authority with actual obligation for vessels requiring a large capital investment, the bill allows DOD to incrementally fund the construction of amphibious aircraft carriers and vessels.

NAVY AND MARINE CORPS TACTICAL AIRCRAFT INVENTORY

The bill authorizes \$19.5 billion for aviation programs, including an additional \$547 million for unfunded requirements submitted by the Navy and Marine Corps, for a total of 214 aircraft. The Committee continues support for the development of the F-35 competitive engine without a reduction to the budget request for aircraft, and it reaffirms its commitment to the alternate engine program as the best insurance policy against spiraling development costs and contractor responsiveness. However, the Committee is extremely concerned by the Navy and Marine Corps managing and accepting an unprecedented level of operational risk within their tactical air force structure while waiting for the completion of the F-35B and F-35C. The Committee estimates that by FY 2017, the Navy and Marine Corps inventory could be at least 250 aircraft short of requirements—the equivalent of five carrier air wings. This is an unacceptable outcome, and the Committee will not support future budget requests that fail to address the factual realities of a naval strike fighter shortfall. Barring a complete reversal of the development and performance failures in the Joint Strike Fighter program, the Committee expects future budget submissions to continue the production of F-18s to prevent our naval airpower from losing significance in our nation's arsenal. Because of the Navy's inability to meet required reporting dates, the bill makes technical corrections to the multi-year authority provided in the FY10 NDAA and requires the Secretary of the Navy to use the savings garnered from the multi-year procurement contract for 124 aircraft, over the previously planned annual procurement contracts, to procure additional F/A-18E or F/A-18F aircraft up to the quantity that the savings would enable.

OHIO-CLASS REPLACEMENT PROGRAM

The fourteen ships of the Ohio-class ballistic missile submarine fleet are a national treasure and have helped maintain our nation's safety for more than two decades. The Committee remains concerned about unanswered questions regarding the current program to replace the Ohio-class ships. To address these concerns, the bill limits the obligation of authorized funds to fifty percent until receipt of a report from the Secretary of Defense outlining various alternate platforms and weapons systems considered as replacements for the sea-based strategic defense currently provided by the Ohio-class force.

PRESIDENTIAL HELICOPTER PROGRAM

The Committee remains disappointed by the excessive costs incurred by the terminated VH-71 executive helicopter program, which cost taxpayers more than \$3 billion with little to no return. The Committee supports the acquisition strategy of the Navy to develop a new presidential helicopter, and the bill requires a formal annual report by GAO analyzing the cost schedule program to make sure that the problems of the VH-71 are not repeated.

SHIPBUILDING PLANS

The Committee believes that the Navy's shipbuilding plan should reflect the shipbuilding requirements that are outlined in the Quadrennial Defense Review. To better align the Navy's plans with the QDR, the bill changes the reporting requirements of the 30-year shipbuilding plan to be delivered to Congress every four years with the Quadrennial Defense Review. It also prohibits any changes during the intervening years that would decrease planned ship procurement without an addendum to the QDR.

MARITIME ADMINISTRATION (MARAD) PROGRAMS

The bill authorizes \$359 million for the Maritime Administration of the Department of Transportation, including:

- \$100 million for operational expenses at the Merchant Marine Academy, including \$30.9 million for infrastructure and capital improvements.
- \$174 million for the Maritime Security Program.
- \$15 million to support the state maritime academies.
- \$10 million to dispose of obsolete vessels.
- \$60 million for the Title XI guaranteed loan program.

Additionally, the bill extends the authorization of funding for the Maritime Security Program from 2015 to 2025.

AIR AND LAND FORCES SUBCOMMITTEE

The Air and Land Forces Subcommittee, led by Chairman Adam Smith (D-Wash.), conducts oversight of the R&D and procurement programs under the purview of the Army and Air Force, including Army and Air National Guard and Reserve. Through the \$78.1 billion authorization for procurement and research and development, this subcommittee ensures that America's soldiers and airmen are fully equipped to carry out their missions and keep our nation safe.

AIR AND LAND HIGHLIGHTS

- \$485 million for the F-35 competitive engine program, including funds authorized by the Subcommittee on Seapower and Expeditionary Forces.
- \$7.7 billion for 42 F-35s, with limitations on the obligation of funds.
- \$3.4 billion to fully fund the Mine Resistant Ambush Protected (MRAP) vehicles that help protect our soldiers from improvised explosive devices (IEDs).
- \$3.5 billion for the Joint Improvised Explosive Device Defeat Organization (JIEDDO) to help counter the use of IEDs against our warfighters and prevent casualties.
- \$2.0 billion for Army communications and network equipment to maximize communication abilities for individual soldiers.
- \$1.0 billion for 83 new Stryker vehicles, vehicle upgrades, and R&D to provide the Army with a flexible and mobile force with combat capability between light and heavy brigades
- \$934 million for development of the Ground Combat Vehicle, a new vehicle designed to protect soldiers from an environment where IEDs, rocket-propelled grenades, and anti-tank guided missiles pose the greatest threat.
- \$806 million for M1 Abrams and M2 Bradley vehicles, vehicle upgrades, and R&D to keep the Army's premier combat platform capable of defeating all possible threats.
- \$779.4 million cut from the Early Infantry Brigade Combat Team to adjust for the termination of the NLOS-LS earlier this year.
- \$651 million for artillery and rocket launch systems to modernize Army artillery systems.
- \$942.2 million for modernization of the C-5 aircraft.
- \$511.3 million for development and procurement of 8 C-130J aircraft.
- \$359.3 million for 4 HC-130Js and \$527.5 million for 5 MC-130J aircraft.
- \$351.2 million for development and procurement of 8 Joint Cargo Aircraft.
- \$289 million for unfunded requirements for force protection and equipment testing to keep our troops as safe as possible both here and abroad.

LIMITS ON OBLIGATION OF FUNDS FOR THE F-35 PROGRAM

The Committee is concerned that only five of the fourteen test aircraft planned for the F-35 program have been delivered, and only ten percent of the planned test flights last year were flown. Congress has provided funding for a total of 58 production aircraft, and not a single production aircraft has yet to be delivered. The program recently experienced a Nunn McCurdy cost breach. The Committee acknowledges significant cost risks that can result from buying large quantities of the F-35 with only three percent of its flight testing complete. To address concerns over the serious delays and cost overruns in the F-35 program, the bill limits the obligation of funds beyond thirty aircraft until the Department certifies that specific program milestones and objectives currently in place for the F-35 program have been met.

F-35 COMPETITIVE ENGINE PROGRAM

The Committee remains steadfast in its belief that the competitive engine program is a critical component of the F-35. Multiple studies, ranging from GAO reports to the Department's own internal study, have consistently shown that there is no additional cost to fund the competitive engine, and that the second engine will generate additional savings for taxpayers. Additionally, competitive engine programs limited cost growth, improved performance, and increased readiness in the acquisition of the F-15, F-16, and F-14 engines. Competition has also historically resulted in better contractor responsiveness, technical innovation, and improved engine durability and reliability. Beyond the cost analysis, however, the Committee recognizes the significant risk posed to our national security by a single engine for the F-35. The Joint Strike Fighter is expected to represent 95 percent of our nation's fighter fleet. The engine will be required to meet demands that have been asked of no other engine. The Committee believes it is unwarranted to risk grounding our entire fleet and incurring billions of dollars in unnecessary costs by cutting the second engine—particularly when there may be no additional cost over the life of the program. The Committee believes the alternate engine to be a critical insurance policy for more than one trillion taxpayer dollars and for our national security. The bill authorizes \$485 million for the alternate engine program and requires the Secretary of Defense to submit to the President a budget that includes a plan for the funding, development, and procurement of the competitive engine for the F-35.

GROUND COMBAT VEHICLE

The NDAA fully funds the Administration's request of \$934 million for the Ground Combat Vehicle (GCV). However, the Committee is concerned that the Army may be repeating the history of the failed Future Combat Systems program by asking industry for unnecessary components to the GCV design that may delay development and dramatically increase costs. The Committee urges the Army to review the requirements of the GCV to separate "needs"

from “wants” and build a base model that can later be upgraded. The Committee also urges the Army to conduct a thorough Analysis of Alternatives before awarding technology development contracts to determine if it is possible to upgrade current vehicles to meet baseline GCV requirements to get this critical equipment to our troops on the ground as soon as possible.

EARLY INFANTRY BRIGADE COMBAT TEAM PROGRAM

The EIBCT program continues to demonstrate subpar performance across the board. The only independent test data available, from September 2009, showed that all EIBCT items had serious shortfalls, and not a single item met reliability requirements. In April of this year, the Army terminated the costly non-line-of-sight launch system (NLOS-LS), one of the last remaining EIBCT components. Additionally, the Army still has unobligated funds provided by the Congress for EIBCT in FY08, FY09, and FY10, that will sufficiently cover any program costs should the Army choose to pull out components of EIBCT and field them separately to meet theater demands. To adjust program funding to account for the termination of NLOS-LS and the unobligated funds from the previous three years, the bill cuts \$626.7 million for EIBCT procurement. It provides \$1.4 billion for EIBCT R&D for sensor, unmanned vehicle, and software development, a cut of \$152.7 million to account for the termination of NLOS-LS.

NATIONAL GUARD AND RESERVE EQUIPMENT

The National Guard and Reserve units continue to experience severe equipment shortfalls, particularly among items that are critical for dual use roles of combat operations and domestic emergencies. The bill authorizes a separate National Guard and Reserve Equipment Account funded at \$700 million above the Administration’s request, for a total of \$7.2 billion overall for the procurement of aircraft missiles, wheeled and tracked combat vehicles, ammunition, small arms, tactical radios, logistic automation systems, and other equipment for the National Guard and Reserve Components.

COUNTER-IED INITIATIVES DATABASE

Although different branches of the military have been doing notable work on counter-IED initiatives, the Department lacks an overarching system to track these initiatives across the services. To increase efficiency in these efforts to keep our service members safe, the bill requires the Secretary of Defense to direct the creation of a department-wide database for all counter-IED initiatives among the military services and the Joint Improvised Explosive Device Defeat Organization (JIEDDO).

COUNTER IED RADIO CONTROLLED WEAPONS DEVICE (IED JAMMING)

There are currently several thousand military vehicles in Iraq and Afghanistan equipped with “jammers,” which are used to protect our troops from remote controlled IEDs. The Department is currently in the process of upgrading these jammers to keep pace with evolving threats, and the Committee is concerned that the individual services are relying too heavily on the Navy budget and Overseas Contingency Operations funds for this process, which discourages continued investments in jammer technology and could inhibit the development of an affordable joint solution. The bill encourages the military services to provide input to the DOD program objective to continue the development and acquisition of this critical technology.

LIGHTWEIGHT BODY ARMOR

Many of our warfighters on the ground have expressed the need for lighter-weight body armor to help them perform their mission in Afghanistan more effectively. To address this issue, the bill commissions a study to identify and examine the requirements for lighter-weight body armor systems.

JOINT LIGHT TACTICAL VEHICLE

The Joint Light Tactical Vehicle (JLTV) program is a necessary and ambitious attempt to replace Humvees across the armed forces. Because of the broad spectrum of capabilities these new vehicles will be expected to provide, we cannot allow it to fall victim to the cost growth and unnecessary schedule delays that have plagued other major acquisition programs at DOD. To address this, the bill separates the program into distinct elements to provide Congress with increased transparency and allow for more effective oversight.

UNMANNED AERIAL VEHICLES

The Air Force’s Global Hawk Unmanned Aerial System (UAS) and the Navy’s Broad Area Maritime Surveillance (BAMS) system were planned to achieve maximum system commonality and interoperability. The committee is concerned that differing, evolving service-unique requirements, coupled with Global Hawk UAS vanishing vendor issues, are resulting in a divergence in each service’s basic goal of maximum system commonality and interoperability, particularly with regard to the communications systems. To address these concerns, the committee directs the Under Secretary of Defense for Acquisition, Technology, and Logistics to certify to Congress that he has reviewed the communications requirements and acquisition strategy for both the Global Hawk UAS and BAMS systems programs, that the requirements of each service’s communications systems have been validated, and that the acquisition strategy being executed for each system achieves the greatest possible commonality and represents the most cost-effective option for each program.

INTELLIGENCE INFORMATION SHARING

The Committee is concerned by a series of GAO reports highlighting the insufficient leadership, direction, guidance, and oversight of the Department's Intelligence, Surveillance, and Reconnaissance (ISR) programs at the Office of the Secretary of Defense (OSD) and Office of the Joint Chiefs of Staff (OJCS) levels. In addition to concerns about the adequacy of overarching direction and guidance for sharing intelligence information across the defense intelligence community, the Committee is concerned about the adequacy of planning and coordination related to the rapid growth in unmanned aerial systems, particularly with regard to anticipating personnel requirements, basing, operating locations, training requirements, and availability of airspace and ranges. The committee is also troubled by the large expenditure of funds related to the management, collection, storage, and use of biometric information and equipment and whether OSD and OJCS are exercising the authority to ensure efficient expenditure of resources and the establishment of common standards for collection, storage, and use of this information. The committee directs DOD to examine these issues and report to the congressional defense committees.

TERRORISM AND UNCONVENTIONAL THREATS AND CAPABILITIES SUBCOMMITTEE

The Terrorism and Unconventional Threats and Capabilities Subcommittee, led by Chairwoman Loretta Sanchez (D-Calif.), is responsible for overseeing approximately \$28 billion for U.S. Special Operations Command (SOCOM), chemical and biological defense, counterproliferation of weapons of mass destruction, Information Technology (IT), defense-wide Science and Technology (S&T), chemical demilitarization, and other areas focused on counter-terrorism and defending our nation against unconventional threats.

TUTC HIGHLIGHTS

- \$2.6 billion for Homeland Defense and Counterproliferation activities, including \$1 billion for the Defense Threat Reduction Agency and \$1.6 billion for the Chemical Biological Defense Program. (Gates?)
- \$9.8 billion to fully fund the budget request for SOCOM, with an additional \$301.5 million for unfunded requirements articulated by SOCOM, including tactical vehicles, operational enhancements, and special operations technology, to expand and extend authorities supporting counterterrorism.
- \$5.8 billion for S&T activities, including an additional \$9 million over the budget request to support K-12 and undergraduate STEM initiatives.
- \$20 million for two cybersecurity new start programs.
- \$26.5 million to fund counter-ideology initiatives, including social science research.

DEPARTMENT OF DEFENSE RAPID INNOVATION FUND

This year's NDAA creates a program that allows DOD to fund up to \$500 million to spur, develop, and rapidly transition small business innovative ideas to our men and women in combat. These ideas would cover key priority areas such as force protection, strategic communications, long-range strike, cyber defense, tactical aircraft, and intelligence, surveillance, and reconnaissance.

1208 FUNDING

Our success in the fight against terrorists depends in part on our ability to provide assistance to foreign forces, irregular forces, and other groups and individuals who support or facilitate the military operations of U.S. Special Operations Forces (SOF). This year's bill expands the "1208 Program" and authorizes up to \$50 million in assistance to these critical partners.

ROTARY WING ASSETS FOR SPECIAL OPERATIONS FORCES

Rotary-wing assets are critical enablers for our Special Operations Forces engaged in counterinsurgency and counterterrorism operations, and the Committee remains concerned by identified helicopter shortfalls, primarily in Iraq and Afghanistan. While the Committee is encouraged by steps being taken by the Department to address this problem, it is still concerned that proposed solutions may not provide adequate relief fast enough and that continued shortfalls may impede future operations. The Committee encourages the Secretary of Defense and the commander of SOCOM to continue to aggressively identify and implement solutions to address rotary-wing assets such as expanded use of general purpose helicopters, improvements in SOF rotary-wing organic force structure, accelerated acquisition timelines, and expanded use of non-standard aviation platforms and aviation foreign internal defense activities.

FOCUS FOR MINERVA RESEARCH

The Committee continues to note the importance of using social science to support key DOD missions such as irregular warfare, counterinsurgency, and stability and reconstruction operations. Two years ago, in an effort to provide a primary mechanism for DOD to foster basic social science and humanities research at the university level, Secretary Gates established the Minerva initiative. The Committee is concerned that the Department has not provided enough focus for the Minerva initiative to develop a deep enough expertise in any of its seven topic areas. The Committee is particularly concerned by the lack of focus in understanding the extremist ideologies that help fuel recruitment of terrorists. This year's NDAA authorizes \$96.2 million, \$5 million above the budget request, to conduct research to improve our understanding of extremist ideologies, and develop more effective counter messages.

COUNTER-IDEOLOGY PROGRAMS

The Committee is concerned that the Department has not sufficiently focused its activities to counter violent extremist ideologies. In particular, there does not appear to be sufficient coordination and support of the numerous strategic communication and information operations programs to undermine the ideological narrative of various terrorist groups. The Committee emphasizes the importance of understanding the ideological environment, including how terrorist groups are leveraging digital media to propagate their messages and aid in recruitment, and then translating that understanding into synchronized near-, mid-, and long-term action across the federal government. The bill authorizes \$88.2 million, an increase of \$10 million, to fund initiatives identified in the April 2009 Strategic Communication Science and Technology Plan in order to focus DOD counter-ideology activities.

HUMAN TERRAIN SYSTEM

While the Committee remains supportive of the Army's Human Terrain System (HTS) to leverage social science expertise to support operational commanders in Iraq and Afghanistan, it is increasingly concerned that the Army has not paid sufficient attention to addressing certain concerns. The Committee encourages the Department to continue to develop a broad range of opportunities that leverage the important contributions that can be offered by social science expertise to support key missions such as irregular warfare, counterinsurgency, and stability and reconstruction operations. The bill limits the obligation of funding for HTS until the Army submits a required assessment of the program, provides revalidation of all existing operations requirements, and certifies Department-level guidelines for the use of social scientists.

COUNTERING EXTREMIST USE OF THE INTERNET

The Committee recognizes a rapid increase in the use of the Internet by violent extremist groups such as al Qaeda and the Taliban to disseminate messages and maligned rhetoric to undermine U.S. interests and entice acts of global terrorism. These groups consistently use video sharing, social networking sites, and a number of other popular websites to recruit and train terrorists and to raise funds. Because of the nature of the digital medium, these persuasive and misleading messages often reach the public first, rendering subsequent factual counter messages useless. The amount of this deceptive and misinformed content continues to grow at a staggering rate, the majority of which remains unanswered and misunderstood by moderate authorities. To address this rising threat, the bill recommends an additional \$2.5 million for a total of \$87.8 million for the Combating Terrorism Technical Support office to conduct a study determining the state of the virtual media environment occupied by our adversaries. Additionally, the bill directs the Department to submit a report outlining actions being taken to counter extremist uses of the Internet.

NON-LETHAL WEAPONS

The importance of non-lethal weapons (NLW) has increased as a result of the shift in military strategy toward casualty avoidance, particularly in Afghanistan, where in many situations the use of lethal force may be counterproductive to achieving our mission. The Committee is worried that the Department does not fully appreciate the critical role that non-lethal weapons can play in helping to ensure mission success. For instance, while the avoidance of civilian casualties is likely to be an enduring requirement of future U.S. military engagements, the importance of non-lethal weapons was not explicitly recognized in the 2010 Quadrennial Defense Review. Additionally, the Committee's oversight of NLW programs is handicapped by the lack of comprehensive and easily identifiable data on NLW budgets and programs, complicating the ability to understand the breadth of these programs to avoid program

duplication and redundancies. To address these issues, the bill directs the military departments to clearly identify a procurement account for NLW line items in future year budget submissions. The bill also directs the Department to begin operational testing, including training of counter-personnel NLWs prior to fielding these devices to deploying service members.

PILOT PROGRAM ON ENERGY SECURITY

The Committee believes that critical defense infrastructure should be more resilient to electrical grid outages and vulnerabilities. The bill authorizes the Secretary of Defense, in collaboration with the Secretary of Energy, to carry out a comprehensive energy security pilot program to help test smart and secure microgrid technologies. The program would partner a military installation with a national laboratory to evaluate and validate microgrid components and systems for deployment.

ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM

The Environmental Security Technical Certification Program (ESTCP) promotes innovative, cost-effective environmental technologies through demonstration and validation at Department of Defense sites. While the Committee was pleased to see the ESTCP listed as an item of interest in the 2010 Quadrennial Defense Review, it was disappointed that the FY11 budget request did not reflect greater interest in the program than in previous years. This year's bill authorizes \$40.4 million, \$10 million more than requested, to demonstrate and implement innovative environmental, energy efficiency, and renewable energy technologies.

CRITICAL LANGUAGE AND CULTURAL TRAINING OF SPECIAL OPERATIONS FORCES

SOCOM deploys personnel to over seventy countries around the world and in every geographic combatant command. They carry out unconventional warfare, foreign internal defense, civil affairs operations, and security force assistance—all of which require advanced language skills, cultural expertise, and the ability to personally interact and collaborate with indigenous populations. Often in isolated locations, these missions succeed or fail based upon an individual's knowledge of the population's cultural sensitivities. Special Operations Forces that require language skills are initially trained to the Department's 1/1 proficiency standard; however, the committee is concerned there is no mechanism in place across all the services to ensure this standard is maintained on a regular basis. To address these concerns, the Committee encourages the Department to provide USSOF personnel with Foreign Language Proficiency Pay (FLPP) at the 1/1 or 1/+ standards.

STRATEGIC FORCES SUBCOMMITTEE

The Strategic Forces Subcommittee, led by Chairman Jim Langevin (D-R.I.), oversees our nation's strategic weapons, ballistic missile defense, space programs, and Department of Energy national security programs (not including nonproliferation programs), a total of \$36 billion.

STRATEGIC FORCES HIGHLIGHTS

- \$10.3 billion, \$361.6 million above the budget request, for ballistic missile defense (BMD), including \$190.8 million for modifications to the PAC-3 Patriot missile program.
- \$7 billion for the NNSA Weapons Activities account, a \$624 million increase from last year, to support stockpile stewardship and management.
- \$9.7 billion for unclassified National Security Space Programs, including \$40 million for additional ORS satellites to meet commanders' urgent needs, support enabling technologies, and further develop and procure an open architecture with a plug-in-play bus, modular payloads, and standard interfaces.
- \$5.6 billion for the Department of Energy's Environmental Cleanup programs.

FIELDING OF AEGIS BALLISTIC MISSILE DEFENSE

The Committee is concerned that the lack of stability in the purchase of SM-3 interceptors and the steep expansion of production of Block 1B interceptors anticipated in FY12 could damage the industrial base and delay increases in the inventory of a system critical to the Phased, Adaptive Approach to missile defense. The bill authorizes \$144.1 million, an increase of \$50 million from the budget request, to provide greater stability in SM-3 production and reduce the size of the production increase in FY12.

AN/TPY-2 X-BAND RADARS

The Committee is concerned about the potential production gap under the current procurement schedule of the AN/TPY-2 X-band radars, which are a critical component of our efforts to track incoming missiles. To address this issue, the bill provides \$65 million for advance procurement of equipment for future AN/TPY-2 radars to improve efficiency and production in terms of schedule and costs.

MISSILE DEFENSE IN EUROPE

The Committee fully supports the President's new Phased, Adaptive Approach to missile defense. However, it believes that this strategy must meet the same standard applied to the previous administration's missile defense strategy. The bill limits the availability of funds for deployment of medium- or long-range missile defense until any hosting country has signed and ratified the necessary agreements authorizing deployment, and until forty-five days after Congress receives the report of the independent assessment of alternative missile defense systems in Europe required by the FY10 NDAA. Additionally, the bill limits the deployment of medium- and long-range missile defense until the Secretary of Defense certifies that the proposed technology is operationally effective based on successful, operationally realistic flight testing.

NNSA WEAPONS ACTIVITIES

Over the past several years, the Committee has expressed its increasing concern regarding the ability of the National Nuclear Security Administration (NNSA) to maintain the safety, security, and reliability of the nuclear weapons stockpile into the indefinite future. The Committee welcomes the President's commitment to reversing the dangerous decline of the last decade and fully authorizes the budget request of \$7 billion, a ten percent increase, for the Weapons Activities of the NNSA that support stockpile stewardship and maintenance.

DIRECTED STOCKPILE WORK

The Committee supports the requested increase in funding for Directed Stockpile Work, which includes activities to ensure the present and future operational readiness of nuclear weapons. However, the Committee is concerned that the budget lacks the sufficient resources for production and dismantlement activities at the Pantex Plant in Amarillo, Texas, which is responsible for the W76-1 LEP, B-61 LEP, stockpile surveillance, and critical weapons dismantlement. The bill authorizes \$1.9 billion for DSW, including an increase of \$11 million for DSW at Pantex.

READINESS IN TECHNICAL BASE AND FACILITIES

The committee is concerned that the request is insufficient to support the facilities at the Pantex Plant in Amarillo, Texas, and the Y-12 Plant in Oak Ridge, Tennessee, and recommends an additional \$70 million for Operations of Facilities to support the critical weapons program activities at these facilities. For the Y-12 facility, the Committee recommends an additional \$15 million for Material Recycle and Recovery activities to sustain enriched uranium recycle and recovery operations.

STOCKPILE SURVEILLANCE

Surveillance of stockpile weapons is essential to keeping our nuclear stockpiles safe. In September 2009, the JASON scientific advisory panel found that our nation's surveillance program is becoming inadequate. To address this concern, the bill directs the NNSA to submit a report to Congress outlining plans for implementing a revised surveillance plan.

NEXT-GENERATION MILITARY SATELLITE COMMUNICATIONS TECHNOLOGY DEVELOPMENT

The bill provides \$50 million to carry out technology development efforts on next-generation military satellite communications, in part to fill gaps left by the cancellation of the transformational satellite communications program. The Committee is especially interested in risk reduction efforts that could have applications on future satellites, and in military-unique radiation hardening requirements and techniques with a focus on reducing the cost, weight, and complexity of current technologies.

GENERAL POLICY PROVISIONS

FUNDS TO COMBAT TERRORISM

The Committee recognizes the important role that foreign nations play in helping us succeed in our fight against terrorists. This year's bill expands several critical authorities used by the Department in combating terrorism.

- **1206 FUNDING:** The bill increases "1206 funding" to \$500 million, including \$100 million to build the capacity of foreign military forces to participate in military and stability operations aimed at supporting efforts in Iraq and Afghanistan. The Committee is concerned about the rise of al Qaeda in the Arabian Peninsula (AQAP), the organization responsible for the attempted terrorist attack on Northwest Airlines flight 253 on December 25, 2009. Because of the strategic role the Republic of Yemen plays in combating terrorism, the bill authorizes \$75 million of the 1206 funding to build the capacity of the counterterrorism forces of the Yemeni Ministry of the Interior.
- **COALITION SUPPORT FUNDS:** The bill provides \$1.6 billion for coalition support fund (CSF) reimbursements to nations providing logistical, military, and other support in connection with the wars in Iraq and Afghanistan. Importantly, the bill also expands CSF reimbursements to the broader counterterrorism and counterinsurgency mission in Pakistan to assist in the fight against al Qaeda, the Pakistan Taliban, and other violent extremists. The Committee continues to require detailed reporting requirements for reimbursements to Pakistan to ensure strong oversight of the CSF process.
- **PAKISTAN COUNTERINSURGENCY FUND:** The bill extends the Department's Pakistan Counterinsurgency Fund through FY11 to address fiscal and legal issues associated with the transfer of responsibilities in this area to the State Department and to ensure the success of efforts to build the counterinsurgency capabilities of Pakistan's security forces. The bill also requires DOD to report on the management, execution, and oversight of Pakistan counterinsurgency funds.

FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS

The Committee supports the President's decision to deploy an additional 46,000 troops to Afghanistan since taking office by authorizing an additional \$33.1 billion for FY10 for the surge of additional forces in Afghanistan and in support of relief operations in Haiti. The Committee also authorizes \$159.3 billion for FY11 overseas contingency operations, including operations in Afghanistan and the transition in Iraq. The Committee also authorized \$205 million for a program to cooperate with Israel on its Iron Dome short-range rocket defense system.

FORCE PROTECTION AND RAPID ACQUISITION

The Committee continues to take steps to improve force protection from terrorists and their allies at home and abroad. To better protect our troops at home, the bill provides \$100 million to implement the initial recommendations of the Fort Hood Follow-On Review conducted by DOD in the wake of the shooting at Fort Hood to identify and address possible deficiencies in our force protection. The bill also requires the Secretary of Defense to perform an additional, more comprehensive review of force protection policies to address issues such as standoff distances for building, protective standards related to weapons of mass destruction, and enhanced information sharing between federal and intelligence agencies. The bill also provides \$200 million to address urgent force protection needs in Afghanistan and includes a provision to allow DOD to cut through red tape by expanding its rapid acquisition authority to obtain the necessary equipment and supplies to protect our troops.

DEPARTMENT OF ENERGY NONPROLIFERATION PROGRAMS

The Committee continues to believe that the Department of Energy's nonproliferation programs are critical to our national security and must be a top priority, and it welcomes the President's focus on keeping weapons of mass destruction and related materials out of the hands of terrorists. This includes the President's efforts to secure vulnerable nuclear materials around the world within four years, the Nuclear Security Summit, the New START Treaty, and other efforts to strengthen nonproliferation programs and activities.

The Committee encourages DOE nonproliferation programs to maintain a particular focus on securing weapons of mass destruction and related materials and technologies at the source whenever possible. It also fully supports the President's goals and objectives for DOE's nonproliferation programs, and the bill authorizes the budget request of \$2.7 billion, an increase of \$550.5 million from FY10, for the following programs:

- \$558.8 million for the Global Threat Reduction Initiative, including funding for the President's four-year plan to secure vulnerable nuclear materials that can be used for weapons and to secure vulnerable weapons-usable radiological material.
- \$590.1 million for International Nuclear Materials Protection and Cooperation (MPC&A), including funding to deploy radiation detection equipment and related capabilities at high-threat border crossings to deter, detect, and interdict illicit transfers of materials that could be used in WMDs or a radiological "dirty bomb."
- \$351.6 million for Nonproliferation R&D, including funding for advanced proliferation and nuclear detonation detection technologies.
- \$155.9 million for Nonproliferation and International Security (NIS), including funding to develop innovative approaches to nonproliferation challenges and to undertake

activities to increase nonproliferation cooperation with international partners and organizations.

- \$1.0 billion for Fissile Materials Disposition (FMD), including funding to dispose of U.S. surplus weapons-grade plutonium using the Mixed Oxide (MOX) Fuel Fabrication Facility, and to dispose of Russia's surplus weapons-grade plutonium.

The bill also includes \$5.6 billion for Department of Energy Defense Environmental Cleanup. This funding will address the critical challenge of cleaning up the Cold War environmental legacy.

COOPERATIVE THREAT REDUCTION PROGRAM

The DOD Cooperative Threat Reduction (CTR) Program is critical to our national security and must be a top priority. The Committee fully supports the President's goals and objectives to strengthen CTR Program. The Committee encourages the CTR Program to maintain a particular focus on securing weapons of mass destruction and related materials and technologies at the source wherever possible and emphasizes the importance of concrete metrics for measuring the effectiveness of CTR activities. The bill fully authorizes the budget request of \$522.5 million, an increase of \$98.4 million from FY10.

QUADRENNIAL DEFENSE REVIEW

The Committee continues to redefine the Quadrennial Defense Review (QDR) to ensure that it is a useful tool in helping Congress provide the resources to meet our future national security challenges. This year's NDAA replaces the Independent Review Panel appointed by the Secretary of Defense with a National Defense Panel consisting of ten members, with the Secretary of Defense appointing two panel co-chairs, and the Chairmen and Ranking Members of the House and Senate Armed Services Committees each appointing two members. The Panel would allow for a truly independent review of the QDR and would provide guidance to the Secretary on the conduct of the QDR to ensure that the review adequately addresses all the required elements.

QUADRENNIAL ROLES AND MISSIONS REVIEW

The fight against terrorists has introduced a new type of enemy for our nation that requires our military capabilities and structure to evolve if we are to be successful. The Committee recognizes that the Department must continue to quickly evolve new structures and capabilities to confront the new and emerging challenges we face, particularly with regard to information operations, strategic communications, and interrogation and detention. The bill requires the Department to include with the next Quadrennial Roles and Missions Review a report focused on these three areas, paying particular attention to their roles in counter-terrorism operations.

RESTRUCTURING THE OFFICE OF THE SECRETARY OF DEFENSE

To address the lack of clarity within the hierarchy of the Office of the Secretary of Defense (OSD), the bill reorganizes OSD to create a standard hierarchy and remove confusion about roles and relationships. This new hierarchy would realign titles and superior/subordinate relationships to match up with official current responsibilities. The reorganization eliminates most Deputy Undersecretaries of Defense other than the Principal Under Secretaries and designates several new Assistant Secretaries of Defense.

GUANTANAMO DETAINEES

The Committee continues to push for the successful prosecution and secure disposition of the terrorist suspects at Guantanamo Bay, and this year's NDAA includes several key provisions to responsibly address these issues. The bill prohibits the release of detainees into the United States and places tough, commonsense restrictions on transfers of detainees to the U.S. and foreign countries.

- **LIMITATIONS ON TRANSFERS TO THE U.S.:** The Committee recognizes that a complete prohibition on the transfer of detainees to the U.S. could seriously impede our ability to prosecute these individuals and other suspected terrorists and it does not want to limit the President's ability to protect national security in the event of circumstances that require the transfer of these individuals. The bill prohibits the transfer of a detainee to the U.S. unless the President submits a comprehensive disposition plan and risk assessment. Congress would then have 120 days to review the disposition plan before it could be carried out.
- **LIMITATIONS ON TRANSFERS TO FOREIGN COUNTRIES:** As recognized by both the current and prior Administrations, in many situations it is more effective to transfer detainees to foreign countries that agree to keep them from returning to terrorist activity. However, an unacceptable number of detainees transferred to foreign countries since 2002 have returned to the fight. The Committee believes that it is appropriate to establish strict security criteria to thoroughly vet any foreign country to which a detainee may be transferred. The bill prohibits the transfer of a detainee to a foreign country until the Secretary of Defense certifies to Congress that the country meets these criteria, and provides Congress with thirty days to review the Secretary's decision.

PROHIBITION ON FUNDS TO MODIFY OR CONSTRUCT U.S. FACILITIES FOR DETAINEES

The Committee firmly believes that the construction or modification of any facility in the U.S. to detain or imprison individuals currently being held at Guantanamo must be accompanied by a thorough and comprehensive plan that outlines the merits, costs, and risks associated with utilizing such a facility. No such plan has been presented to date. The bill prohibits the use of

any funds for this purpose. Additionally, the bill requires the Secretary of Defense to present Congress with a report that adequately justifies any proposal to build or modify such a facility in the future.

FLAME RESISTANT UNIFORMS

The Committee extends the Department's authority to procure flame resistant rayon fiber for use in combat uniforms. These uniforms have helped saved lives and mitigated burn wounds resulting from IED attacks in Iraq and Afghanistan. At the same time, the committee ensures that DOD has access to all the latest technology in flame resistant clothing by requiring the Department to allow clothing made from other fibers to compete for these contracts.

REPORTS ON IRAQ

Due to the drawdown of troops in Iraq, the military is now faced with the challenge of the redeployment of 40,000 troops and their equipment over the period of the next few months. In response to this shift in focus in Iraq, the bill modifies required reports to better focus on redeployment activities and on the development of military capabilities that are necessary for the Government of Iraq to stand on its own. Additionally, the Committee is concerned about the status of nearly 1,000 projects, programs, and activities that will need to be closed or transferred over a short period of time as a result of the drawdown. In response, the Committee also requires an initial report identifying these programs, an estimated timeline for completion, and a description of any problems that have been encountered in the process of closing or transferring these programs and steps that have been taken to remedy the problems. Updated information on this subject would be included in reports already required by law.

REPORTS ON AFGHANISTAN

Earlier this year, the President implemented a new counterinsurgency strategy in the war in Afghanistan to reverse the downward momentum from nearly a decade of no real plan under the previous administration. To better reflect these changes in the U.S. strategy, this year's NDAA updates the required "1230 report" to include information on the conditions and criteria that would need to exist in key districts in Afghanistan to meet U.S. goals, permit the transition of lead security responsibility to the Afghan government, and allow the redeployment of U.S. forces from Afghanistan. The changes also require the Secretary of Defense to identify the standards that must be met for each performance indicator metric required in the report.

NO PERMANENT BASES IN IRAQ OR AFGHANISTAN

This year's bill continues the prohibition of the use of funds to build permanent bases in Iraq and Afghanistan.

RARE EARTH MATERIALS

In response to a GAO report identifying that our military is dependent upon rare earth materials from overseas, the Committee requires the Department to examine the areas in which it is dependent upon these materials and to develop a plan to eliminate the vulnerability caused by this dependence.

INTERAGENCY NATIONAL SECURITY KNOWLEDGE AND SKILLS

The ability of national security professionals to work effectively across departments and agencies is critical to our ability to protect our country. The Committee is concerned about the state of interagency national security knowledge and skills possessed by DOD civilians and uniformed personnel. The Committee requires the Secretary of Defense to commission an independent organization to conduct a study on this issue and provide recommendations that can be implemented to improve interagency national security knowledge and skills.