PRESS RELEASE

U.S. Senate Committee on Armed Services

Carl Levin, Chairman

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SENATE COMMITTEE ON ARMED SERVICES COMPLETES MARKUP OF NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

WASHINGTON – Sen. Carl Levin, D-Mich., chairman of the Committee on Armed Services, announced today that the committee has completed its markup of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2012. The bill authorizes funding for the Department of Defense (DOD) and the national security programs of the Department of Energy (DOE). The committee approved the bill unanimously on Thursday, June 16, 2011. It now goes to the full Senate for consideration.

"For the 50th consecutive year, the committee has reported out a bill that supports the men and women of the armed forces and their families and provides them with the resources, training, and equipment they need to accomplish their missions," Levin said. "In this time of fiscal problems for our nation, I am pleased that we were able to support our troops and their families while finding savings of more than $6 billion. I want to commend Sen. McCain for his support throughout the markup process and for his help in producing this bipartisan bill that was reported out with the unanimous vote of our members."

"The bill contains a bipartisan compromise provision regarding detainee matters that provides a statutory basis for the detention of individuals captured in the course of hostilities conducted pursuant to the Authorization for the Use of Military Force and deals with other important matters relating to such detainees," Levin added. "The bill contains a unique requirement that the low-rate initial procurement contract for the fiscal year 2011 lot of the Joint Strike Fighter (LRIP-5) program must be a fixed price contract and the contract must require the contractor to absorb 100 percent of costs above the target cost."

MAJOR HIGHLIGHTS

Note: This section describes major provisions contained in the markup agreement. Some items are repeated in the detailed description section following these major highlights.

1. **Improve the quality of life of the men and women of the all-volunteer force (active duty, National Guard, and Reserves) and their families, as well as Department of Defense civilian personnel, through fair pay, policies and benefits, and address the needs of the wounded, ill, and injured service members and their families.**

- Authorizes $142.4 billion for military personnel, including costs of pay, allowances, bonuses, death benefits, and permanent change of station moves.

- Authorizes a 1.6 percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request.

- Does not prohibit pharmacy copayment changes.

- Does not prohibit TRICARE Prime enrollment fee increases in fiscal year 2012 and limits annual increases of the fee to the amount equal to the percentage increase in retired pay beginning on October 1, 2012.

- Requires that individuals newly enrolled in the Uniformed Services Family Health Plan after September 30, 2011, transition to TRICARE for Life once they become Medicare-eligible due to age.

- Prohibits the denial of reenlistment of a service member who has been determined by a Physical Evaluation Board (PEB) to be fit for duty but who is subsequently determined to be unsuitable for continued military service for conditions considered by the PEB.

- Amends Article 120 of the Uniform Code of Military Justice (UCMJ) relating to the offenses of rape, sexual assault, and other sexual misconduct, to create three separate articles of the UCMJ to correct deficiencies in existing law. Also repeals Article 125 of the UCMJ, relating to the offense of sodomy.

- Authorizes $25.0 million in supplemental impact aid to local educational agencies with military dependent children and $5.0 million in impact aid for schools with military dependent children with severe disabilities.

- Requires hostile fire and imminent danger pay be prorated according to the number of days spent in a qualifying area rather than be paid on a monthly basis.

2. Provide our servicemen and women with the resources, training, technology, equipment (especially force protection), and authorities they need to succeed in accomplishing their missions.

- Funds fully ($3.2 billion) DOD's Mine Resistant Ambush Protected Vehicle (MRAP) fund, which provides for the sustainment and procurement of MRAPs and M-ATVs.

- Authorizes $10.4 billion for U.S. Special Operations Command, an increase of 6 percent above fiscal year 2011 levels.

- Authorizes more than $2.5 billion for DOD's counter-improvised explosive device activities.

3. Enhance the capability of the armed forces to conduct counterinsurgency operations

and apply the lessons of Iraq to Afghanistan, as appropriate.

- Extends, through fiscal year 2017, the authority of U.S. Special Operations Forces to provide support to regular forces, irregular forces, and individuals aiding U.S. special operations to combat terrorism.

- Provides $400.0 million for the Commanders' Emergency Response Program in Afghanistan.

- Extends the authority and provides $400.0 million for the Afghanistan Infrastructure Fund to support large-scale infrastructure projects that enhance the counterinsurgency campaign.

- Extends the authority of the Department of Defense to support a program for the reintegration of former insurgent fighters into Afghan society.

4. Address the threats from nuclear weapons and materials by strengthening and accelerating nonproliferation programs, maintaining a credible nuclear deterrent, reducing the size of the nuclear weapons stockpile, and ensuring the safety, security, and reliability of the stockpile, the delivery systems, and the nuclear infrastructure.

- Authorizes $2.5 billion for the National Nuclear Security Administration (NNSA) and DOD to expand threat reduction activities, including securing vulnerable fissile material in 4 years and increasing focus on preventing proliferation globally by expanding threat reduction partnerships.

- Authorizes $508.2 million for the Cooperative Threat Reduction Program at the Department of Defense.

- Supports joint U.S. and Russian efforts to destroy 34 metric tons each of weapons usable plutonium by fully funding the U.S. plutonium disposition program.

- Authorizes $7.6 billion for NNSA to ensure that a substantially reduced nuclear stockpile is safe, secure, and reliable.

- Authorizes $33.2 million for the Defense Nuclear Facilities Safety Board an increase of $4.2 million and directs the Government Accountability Office (GAO) to conduct a review of external oversight options for the Department of Energy defense nuclear facilities.

- Authorizes $1.1 billion to continue development of the *Ohio*-class replacement program, SSBN(X), to modernize the sea-based leg of the nuclear deterrent system.

5. Improve the ability of the armed forces to counter nontraditional threats, focusing on terrorism, cyber warfare, and the proliferation of weapons of mass destruction and their means of delivery.

- Fully supports the budget request of $633.0 million to procure 100 Stryker vehicles especially designed and built for the detection of nuclear, chemical, and biological agents.

- Includes a provision that would prohibit the Secretary of the Air Force from taking any action regarding the retirement of the U-2 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to Congress that the operating and sustainment (O&S) costs for the Global Hawk aircraft are less than the O&S costs for the U-2 aircraft it is intended to replace.

- Includes a provision that would require DOD to acquire and incorporate capabilities for discovering previously unknown cyber attacks in multiple layers of its networks – from desktop computers to the traffic delivered to the Department by Internet Service Providers, and authorizes $20.0 million for that purpose.

- To sustain the cybersecurity pilot activities mandated in the National Defense Authorization Act for Fiscal year 2011, an increase of $20.0 million. Authorizes $1.2 billion for the Ground-based Midcourse Defense system, the amount of the budget request.

- Authorizes $1.1 billion for development and procurement of the Terminal High Altitude Area Defense (THAAD) regional missile defense system, including an increase of $20.0 million, to permit improved production rates.

- Authorizes $1.6 billion for development and procurement of the Aegis Ballistic Missile Defense system, including an increase of $30.0 million to permit improved production capabilities of the Standard Missile-3 Block IB interceptor missile.

- Authorizes $444.5 million for co-development, with Japan, of the Standard Missile-3 Block IIA interceptor missile, including an increase of $20.0 million to reduce development and schedule risk.

- Authorizes $1.5 billion for the Chemical and Biological Defense Program, the amount of the budget request, to help protect military forces against chemical and biological threats.

6. Enhance the capability of the security forces of allied and friendly nations to defeat al Qaeda, its affiliates, and other violent extremist organizations.

- Fully funds the budget request of $12.8 billion for training and equipping the Afghan security forces to build their capacity to assume responsibility for providing security for the Afghan people.

- Fully supports the budget request of $1.75 billion in Coalition Support Funds to reimburse key partner nations supporting U.S. military operations in Operation Enduring Freedom.

- Authorizes $500.0 million for counterterrorism capacity building activities, including targeted efforts in East Africa and Yemen.

- Fully supports the budget request of $524 million to support the activities of the Office of Security Cooperation in Iraq in overseeing and implementing foreign military sales to the Iraqi security forces.

- Authorizes the establishment of a joint DOD-State fund to respond to complex crises that require a range of military assistance and other assistance in the security sector. State and DOD could transfer up to $300 million into the fund to be used for training and equipping foreign security forces or building foreign nations' law enforcement or justice sector capacity.

7. Seek to reduce our Nation's strategic risk by taking action aimed at restoring, as soon as possible, the readiness of the military services to conduct the full range of their assigned missions.

- Adds $322.0 million to upgrade 49 additional M1A2 tanks allowing the Army to upgrade a total of 70 tanks and preserve minimum industrial capability through FY 2012.

- Fully supports the budget request of $167.0 million (research and procurement) for continued development and prototyping of the next-generation Paladin self-propelled artillery system.

- Fully supports the budget request of $884.4 million for the Army's next-generation armored Ground Combat Vehicle (GCV) development.

- Permits the Department of Defense to retire six B-1 bomber aircraft following submission of a retirement plan and a plan to modernize the remaining aircraft.

- Provides full funding for next generation penetrating long range strike bomber.

8. Terminate troubled, wasteful or unnecessary programs and activities, identify efficiencies, and reduce defense expenditures in light of the Nation's budget deficit problems.

- Cuts more than $1.0 billion from the President's budget for military construction and family housing projects.
  - More than $500.0 million in incrementally funded projects to improve efficiency and prevent waste through more efficient cash flow of large projects.
  - Approximately $180.0 million in overseas military construction deemed unnecessary or ahead of need.
  - Approximately $150.0 million in projects requested for the realignment of United States Marine Corps forces from Okinawa to Guam as projects are not necessary in this fiscal year.

- Cuts $451.9 million for the Enhanced Medium Altitude Reconnaissance and Surveillance System (EMARSS) low rate initial production (LRIP) aircraft due to program delays.

- Requires the Secretary of Defense to develop and implement a plan for the orderly transfer of the Air Force C-12 Liberty intelligence, surveillance, and reconnaissance (ISR) aircraft to the Army.

- Cuts $192.3 million from related Brigade Combat Team Modernization (BCTM) projects due to Early-Infantry Brigade Combat Team program termination.

- Cuts $200.0 million of $775.8 million in the budget request for the Joint Tactical Radio System due to program delays with the Ground Mobile Radio (GMR) and Airborne, Maritime/Fixed (AMF) radios.

- Requires the Department of the Navy to restructure plans to replace the cancelled Expeditionary Fighting Vehicle System and to complete analysis of the Amphibious Combat Vehicle alternatives before launching into a Marine Personnel Carrier acquisition program.

- Cuts $406.6 million for the Medium Extended Air Defense System (MEADS), the amount of the budget request, in order to obtain a less-costly option for the program.

9. Emphasize the reduction of dependency on fossil fuels and seek greater energy security and independence and pursue technological advances in traditional and alternative energy storage, power systems, operational energy tactical advantages, renewable energy production, and more energy efficient ground, air, and naval systems.

- Establish interim goals for DOD's use of renewable energy to make it more likely that the Department will be able to meet the current statutory objective of using at least 25 percent renewable energy by 2025.

- Clarifies the Secretary of Defense's authority to accept voluntary financial contributions to offset the cost of mitigation measures taken in the event of adverse impacts on military operations from the development of wind turbines and high power lines in the vicinity of military bases.

- Require commanders of military installations inside the United States to develop plans to minimize the effects in the event of a disruption of services by a utility company.

- Directs the Secretary of the Army to submit an investment plan for implementation of the Army's Net Zero pilot programs.

- Authorizes $50.0 million in funding through the Rapid Innovation Program for increased investments in technologies that will improve energy efficiency, enhance energy security, and reduce the Department's dependence on fossil fuels.

- Transfers $27.0 million for the Marine Corps Expeditionary Energy Office, as requested by the Marine Corps, to reduce logistical resupply convoys, increase energy efficiency, and reduce risk to Marines in combat.

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

- Cuts $1.1 billion from operation and maintenance accounts for the acquisition of contract services, to be achieved by freezing spending on contract services at FY 2010 levels (comparable to the freeze on the civilian employee workforce) and instituting contracting improvements.

- Cuts $684.0 million from excess unobligated balances to encourage better stewardship of taxpayer dollars, based on analysis from GAO.

- Requires the Comptroller General to review the validity and reliability of the Defense Department's analytical methodology for estimating the cost of overseas basing of U.S. forces around the world.

- Requires the Secretary of Defense to ensure that the low-rate initial production contract for lot 5 of the F-35 Joint Strike Fighter (JSF) program (aircraft funded in fiscal year 2011) is: (1) a fixed price contract; and (2) the contract requires that the contractor absorb 100 percent of costs above the target cost.

- Requires the Under Secretary of Defense for Acquisition, Technology, and Logistics to produce a report on plans for implementing provisions of the Weapon Systems Acquisition Reform Act of 2009 for the F-35 JSF program.

DETAILED DESCRIPTION BY SUBCOMMITTEE

FUNDING LEVELS

The President's budget request for national defense discretionary programs within the jurisdiction of the Committee on Armed Services for fiscal year 2012 was $688.9 billion and was in three parts:

- $553.0 billion for the base budget of the DOD;
- $117.8 billion for overseas contingency operations (OCO), which funds the wars in Iraq and Afghanistan; and
- $18.1 billion for national security programs in the DOE and the Defense Nuclear Facilities Safety Board.

The bill authorizes $682.5 billion for national defense programs. The bill authorizes $5.9 billion less than was requested for the base budget of DOD and $537 million less than was requested for OCO. The bill authorizes the requested level of funding for national security programs of the DOE and $4.2 million more than the request for the Defense Nuclear Facilities Safety Board.

SUBCOMMITTEE ON PERSONNEL

Subcommittee Chairman Jim Webb (D-VA) and Ranking Member Lindsey Graham (R-SC) continued to focus the Subcommittee on Personnel's attention on improving the quality of life of the men and women of the armed forces and their families, as well as Department of Defense civilian personnel, through fair pay, policies, and benefits, including first rate health care, while addressing the needs of wounded, ill, and injured service members and their families. The subcommittee included the following funding and legislative provisions:

End Strength

- Authorizes fiscal year 2012 active-duty end strengths for the Army of 562,000; the Navy, 325,700; the Marine Corps, 202,100; and the Air Force, 332,800.

- Authorizes reserve component military end strengths in line with the President's request.

Military Personnel Policy

- Increases authorized strengths for active-duty Marine Corps officers in the grades of major, lieutenant colonel, and colonel.

- Authorizes promotion to O-2 of certain medical student officers attending the Uniformed Services University of the Health Sciences or participating in the armed forces Health Professions Scholarship and Financial Assistance Programs.

- Clarifies that reserve officers employed as military technicians (dual status) who have been retained beyond their mandatory removal date for years of service are ineligible for consideration for promotion by a mandatory promotion board.

- Authorizes the service secretaries to order reserve component members to active duty for not more than 365 consecutive days for preplanned and budgeted missions.

- Modifies the timeframe during which pre-separation counseling must be provided to a reserve component member being demobilized to less than 90 days of projected discharge when operational requirements warrant.

- Directs the Secretary of Defense to conduct an independent study on the feasibility and advisability of terminating the military technician program as a distinct personnel management category.

- Authorizes the service secretaries to pay a stipend to individuals who agree to be an officer in a reserve component and who are pursuing or will pursue a course of study leading to a degree in clinical psychology.

- Modifies the definition of joint duty assignment to include instructor positions that provide significant experience in joint matters.

- Authorizes the Secretary of Defense to assign a graduate of the National Defense University who is not designated as a joint qualified officer to a joint assignment other than a joint duty assignment.

- Authorizes graduates of the National Defense Intelligence College to receive credit for completion of joint professional military education Phase I and eliminates the requirement that Phase II instruction at the Joint Forces Staff College be taught in residence.

- Requires that graduates of secondary school programs that comply with State education laws be considered the same as graduates of traditional secondary schools for the purposes of qualifying for recruitment and enlistment in the armed forces.

- Prohibits the denial of reenlistment of a service member who has been determined by a PEB to be fit for duty but who is subsequently determined to be unsuitable for continued military service for conditions considered by the PEB.

- Authorizes the Secretary of Defense to authorize the issuance of a Cold War Service Medal by the service secretaries.

- Amends Article 120 of the UCMJ relating to the offenses of rape, sexual assault, and other sexual misconduct, to create three separate articles of the UCMJ to correct deficiencies in existing law. Also repeals Article 125 of the UCMJ, relating to the offense of sodomy.

- Authorizes the issuance of subpoenas duces tecum to compel production of documents and other tangible evidence for an investigation.

- Requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to develop a comprehensive policy on the retention of and access to evidence and records relating to sexual assaults involving service members.

- Requires (1) that an individual request correction of a military record by a board for correction of military records before seeking judicial review, (2) that final decisions denying correction of a personnel record by a board for correction of military records include a concise written statement of the factual and legal basis for the decision, and (3) that the decision of the board includes an advisory opinion in cases involving historically significant military events.

- Authorizes the Secretary of the Air Force to allow seriously wounded, ill, or injured former or retired enlisted service members to continue their participation in associate degree programs of the Community College of the Air Force in order to complete a degree program interrupted by separation or retirement.

- Authorizes $25.0 million in supplemental impact aid to local educational agencies with military dependent children and $5.0 million in impact aid for schools with military dependent children with severe disabilities.

- Authorizes a 3-year extension for the DOD to provide grants to local educational agencies serving military dependent students living in the United States who do not attend DOD schools.

- Modifies membership on the Department of Defense Military Family Readiness Council.

- Authorizes the Secretary of Defense to administer and fund the Troops-to-Teacher Program during fiscal year 2012 and requires a report to Congress on the effectiveness of the program.

- Clarifies that the prohibition on refusal by states to accept or process valid applications for voter registration and absentee ballots on the grounds of early submission applies equally to overseas voters as it does uniformed service voters.

- Consolidates military department authority to issue arms, tentage, and equipment to educational institutions without Junior Reserve Officer Training Corps units.

- Authorizes service secretaries to carry out one or more programs to provide service members with job training and employment skills training to help prepare them for employment in the civilian sector.

- Authorizes a voluntary retirement incentive payment of up to 12 times an officer's monthly basic pay to certain officers with between 20 and 29 years of active-duty service.

- Extends authority to provide voluntary separation pay and benefits to eligible members of the armed forces who are voluntarily separated from active duty.

- Expands from 3 months to 1 year the period prior to the expiration of an enlistment term during which a service member may be discharged without loss of benefits, except that the member would not be entitled to pay and allowances for the period not served.

- Directs the Secretary of the Air Force to implement a formal process for validating, resourcing, and allocating Military Personnel Appropriation man-days for reserve component requirements of integrated units within the annual budget process.

- Directs the Department of the Navy to complete development and implementation of a single Navy and Marine Corps military justice case processing and tracking system by July 1, 2013, and requires progress reports on the implementation of the system.

- Continues the reporting requirement for promotion selection boards in circumstances where at least 100 days pass between the report of the board and the report's approval by the President and extends this requirement to reports of federal recognition boards for National Guard officers requiring Senate confirmation.

- Directs the Comptroller General to conduct a follow-up review of the Department of Defense oversight and admissions policies and procedures at the service academies and their preparatory schools.

- Directs the Secretary of the Navy to submit an evaluation of the report of the Independent Review Panel to Study the Judge Advocate Requirements of the Department of the Navy.

- Requires an independent study on the availability of military and civilian personnel for Department of Defense cyberspace operations.

- Authorizes the Secretary of Defense to carry out reintegration and post-isolation support activities for certain persons returned to the control of U.S. authorities following captivity.

- Authorizes the Secretary of Defense to provide support to public or private programs designed to facilitate representation by attorneys who provide pro bono legal assistance to service members in need of such representation.

- Authorizes the service secretaries to waive the maximum age limitation for admission of enlisted members of the armed forces to the service academies, for up to five enlisted members per academic year, who otherwise meet the eligibility requirements for admission but who were prevented from being admitted before reaching the maximum age as a result of service on active duty in Iraq or Afghanistan.

- Requires implementation of many of the recommendations of the Defense Task Force on Sexual Assault in the military services.

- Renames the Industrial College of the Armed Forces the Dwight D. Eisenhower School for National Security and Resource Strategy.

- Enhances the Yellow Ribbon Reintegration Program to improve the processes for determining best practices for information dispersal and outreach services, and to improve collaboration with state programs.

- Requires a report on the achievement of diversity goals for the leadership of the armed forces.

- Enhances the administration of the Air Force Institute of Technology.

- Requires a report on a process to expedite the disability determination for service members with certain disabling conditions.

- Encourages the Department of Defense to expand efforts aimed at preventing foreclosures on service members' home mortgages.

- Encourages the Department of Defense to ensure that members of the reserve components are informed of their protections under the Uniformed Services Employment and Reemployment Rights Act.

- Requires the Department of Defense to provide a briefing on DOD's initiative to improve the performance of students in the areas of science, technology, engineering, and mathematics.

Military Pay and Compensation

- Authorizes $142.4 billion for military personnel, including costs of pay, allowances, bonuses, death benefits, and permanent change of station moves.

- Authorizes a 1.6 percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request.

- Reauthorizes over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve component military personnel. Does not extend authority to pay the Army referral bonus or the health professional's referral bonus.

- Requires hostile fire and imminent danger pay be prorated according to the number of days spent in a qualifying area rather than be paid on a monthly basis.

- Repeals the mandatory high-deployment allowance.

- Repeals the automatic enrollment of service members as a dependent under the Family Servicemembers' Group Life Insurance program when they are insured on their own behalf under the Servicemembers' Group Life Insurance program.

- Consolidates and reforms the existing statutory authorizations related to travel and transportation allowances for members of the uniformed services, their dependents, other family members, and other authorized travelers of the Department of Defense.

- Limits the obligation and expenditure of travel funds of the Office of the Under Secretary of Defense for Personnel and Readiness until the Under Secretary provides to the congressional defense committees a report on the Department's implementation of the caregiver compensation authority in section 439 of title 37, United States Code.

- Urges the Department of Defense to expeditiously implement Government Accountability Office recommendations concerning the process for setting basic allowance for housing (BAH) rates and the adequacy of BAH in areas with housing shortages.

Health Care

- Authorizes $32.2 billion for the Defense Health Program.

- Does not prohibit pharmacy copayment changes.

- Does not prohibit TRICARE Prime enrollment fee increases in fiscal year 2012 and limits annual increases of the fee to the amount equal to the percentage increase in retired pay beginning on October 1, 2012.

- Requires that individuals newly enrolled in the Uniformed Services Family Health Plan after September 30, 2011 transition to TRICARE for Life once they become Medicare-eligible due to age.

- Requires the Secretary of Defense to prescribe and maintain regulations relating to commanding officer and supervisor referrals of members of the armed forces for mental health evaluations.

- Authorizes the Secretary of Defense to pay travel expenses for command-sponsored dependents of service members assigned to remote overseas areas to travel to the United States to receive obstetrical anesthesia services for childbirth.

- Extends the length of time the Department of Defense is required to report on access to health care under TRICARE Standard and TRICARE Extra from 2011 to 2015, and modifies the frequency of GAO reports on the adequacy and number of health care providers under Standard and Extra from a biannual to a biennial basis.

- Clarifies that medical quality assurance records are limited to records of peer review activity by or for the Department of Defense to assess the quality of medical care.

- Modifies the frequency of Comptroller General reviews of the executive agreement on the North Chicago and Great Lakes joint medical facility demonstration project from five annually to three periodically.

- Authorizes the Secretary of Defense to transfer funds into the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for the operation of the Captain James A. Lovell Federal Health Care Center or other facilities designated as combined federal medical facilities.

- Designates the Fisher House of the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House.

- Excludes TRICARE institutional, professional, and pharmacy network providers from being considered subcontractors for the purposes of Federal Acquisition Regulation or any other law, in order to maintain adequate TRICARE provider networks.

- Expands state licensure exceptions for certain behavioral health professionals in order to facilitate access to mental healthcare.

- Clarifies that, in the case of a reserve component member who is called to active duty and who is extended on active duty for any purpose, the 180-day period of Transition Assistance Management Program medical eligibility begins when that member is separated from active duty at the end of the extended active duty.

- Directs the DOD and the Uniformed Services Family Health Plan (USFHP) to develop and evaluate alternatives that would permit Medicare eligible beneficiaries participating in the TRICARE for Life program to receive coordinated and integrated health care management, and directs DOD to report on its progress in developing and evaluating care management options under TRICARE for Life and the USFHP.

- Encourages the Department of Defense to conduct clinical evaluation studies to enable more rapid deployment of advanced treatments for service members with musculoskeletal injuries.

Civilian Personnel

- Allows civilian employees to designate anyone they choose to receive the entirety of a death gratuity if the employee dies of injuries incurred in connection with service with an armed force in a contingency operation.

- Authorizes the Department of Defense to continue to pay the government's share and administrative fees for Temporary Continuation of Coverage (TCC) health insurance premiums for former employees enrolled in TCC based on separation due to a reduction in force.

- Authorizes the Secretary of Defense to retroactively waive the repayment of voluntary separation incentive pay for certain civilian employees.

- Authorizes each service secretary to employ without pay up to 10 persons of outstanding experience and ability.

- Extends for 1 year the authority of the head of an executive agency to waive the limitations on the aggregate of basic and premium pay that may be paid to a federal civilian employee who performs work in certain overseas locations in support of a contingency operation or an operation in response to a declared emergency.

- Provides temporary discretionary authority to federal agencies to grant allowances, benefits, and gratuities comparable to those provided to members of the Foreign Service to an agency's civilian employees on official duty in a combat zone.

Armed Forces Retirement Home

- Authorizes $67.7 million to be appropriated for the Armed Forces Retirement Home.

- Amends the Armed Forces Retirement Act of 1991 to implement recommendations of the Department of Defense Inspector General report that found duplication of assessment and inspection mandates as related to the Local Boards of Trustees, the Senior Medical Advisor, the DOD Inspector General, and the civilian accreditation agencies. The provisions are intended to clarify and streamline the various inspection and assessment requirements.

SUBCOMMITTEE ON AIRLAND

Under the leadership of Chairman Joseph Lieberman (I-CT) and Ranking Member Scott Brown (R-MA), the Subcommittee on Airland followed Chairman Levin's full committee markup guidelines, in particular to provide what is needed to succeed in combat and stability operations, to restore the readiness of Army ground forces, and Air Force and Navy tactical air systems, to enhance the capability of the armed forces to conduct counterinsurgency operations, and to improve efficiency of programs and apply the savings toward high-priority programs. Particular emphasis was placed on addressing the modernization needs of the Army. Specifically, the subcommittee included the following budget recommendations and legislative provisions:

Army

- GCV — fully supports the budget request of $884.4 million for the GCV development.

- Stryker – fully supports the budget request of $633.0 million to procure 100 Stryker vehicles especially designed and built for the detection of nuclear, chemical, and biological agents.

- Paladin Integrated Management program — fully supports the budget request of $167.0 million (research and procurement) for continued development and prototyping of the next generation Paladin self-propelled artillery system.

- Airborne Common Sensor / Enhanced Medium Altitude Reconnaissance and Surveillance System (EMARSS) – cuts $451.9 million for 18 low rate initial production (LRIP) aircraft.

- UH-72A Light Utility Helicopter (LUH) – fully supports the budget request of $250.4 million for LUH procurement.

- UH-60 Blackhawk – fully supports the base budget request of $1.5 billion for UH-60 Blackhawk procurement. Recommendation cuts $17.5 million in Overseas Contingency Operations account for one combat loss aircraft that was previously funded in FY 2011.

- CH-47 Chinook – fully supports the budget request of $1.4 billion for CH-47 Chinook procurement.

- AH-64 Apache Block III – fully supports base budget request of $603.8 million for remanufactured and new production Apache Block III attack helicopters. Recommendation cuts $35.5 million in the Overseas Contingency Operations account for one war loss replacement aircraft. Procurement of a single aircraft that will not go on contract until FY 2013 or deliver until FY 2014 is not a legitimate war loss replacement.

- Guided Multiple Launch Rocket System – cuts $150.0 million of $314.2 million in the budget request. Prior year and current production, on hand quantities, potentially declining consumption rates in support of combat operations, and funds provided in the Overseas Contingency Operations account are sufficient to meet current operations and any unforeseen requirements with a minimum of risk.

- M1 Abrams tank upgrade program – adds $322.0 million to upgrade 49 additional tanks in FY 2012. The budget request includes $181.3 million to upgrade 21 Abrams tanks. Additional funds allow the Army to upgrade a total of 70 tanks and preserve minimum industrial capability through FY 2012.

- Joint Tactical Radio System (JTRS) – cuts $200.0 million of $775.8 million in the budget request for the GMR and AMF radios. GMR program is pending a Nunn-McCurdy breach assessment and low rate initial production will likely slip 6 months or more. The JTRS-AMF program's Milestone C decision for the Maritime/Fixed radio has slipped to September 2012 and contract award will likely slip into FY 2013.

- Warfighter Tactical Network (WIN-T) – fully funds $972.4 million for the WIN-T program.

- Ground Soldier System (GSS) — cuts a modest $28.3 million of $184.1 million in the budget request for GSS/Nett Warrior, Increment 1, and adds $7.6 million in Army research and development to support continued configuration development to lower system cost, weight, and power consumption.

- Early Infantry Brigade Combat Team (EIBCT) — cuts $192.3 million from related BCTM lines due to EIBCT program termination.

- Authorizes the Army to enter into a multiyear procurement contract for Army and Navy H-60 series helicopters.

Air Force and Naval Aviation

- Joint Strike Fighter (JSF) – fully supports the budget request for procurement of Navy ($3.2 billion) and Air Force ($3.7 billion) JSF aircraft.

- F/A-18E/F – reduces the budget request by nine aircraft and $495.0 million, reflecting additional funds provided in the fiscal year 2011 OCO account.

- F-15 and F-22 modifications – fully supports the budget request for modifications of F-15 ($222.4 million) and F-22 ($232.0 million) fighter aircraft.

- F-22 development – reduces the budget request for F-22 research and development to a more sustainable level (-$140.0 million).

- C-130J – fully supports the budget request of $988.2 million for C/HC/MC-130J cargo aircraft.

- C-27J – fully supports the budget request of $479.9 million for C-27J cargo aircraft.

- HH-60M – fully supports the budget request of $104.7 million for HH-60M helicopters.

- Light attack armed reconnaissance aircraft (LAAR) – cuts $158.5 million for the procurement of LAAR aircraft.

- F-16 modifications – cuts $16.6 million of $73.3 million requested for various F-16 modifications.

- KC-46A tanker – cuts $127.1 million of $877.1 million requested to continue development of the KC-46A, the next-generation aerial refueling aircraft, because the budget request for FY 2012 exceeds the amount of funds required to keep the KC-46A program fully funded and on schedule.

- Requires the Secretary of Defense to ensure that the low-rate initial production contract for lot 5 of the F-35 JSF program (aircraft funded in fiscal year 2011) is: (1) a fixed price contract; and (2) the contract requires that the contractor absorb 100 percent of costs above the target cost.

- Requires the Under Secretary of Defense for Acquisition, Technology, and Logistics to produce a report on plans for implementing provisions of the Weapon Systems Acquisition Reform Act of 2009 for the F-35 JSF program.

- Requires the Secretary of Defense to develop and implement a plan for the orderly transfer of the Air Force C-12 Liberty intelligence, surveillance, and reconnaissance (ISR) aircraft to the Army.

- Prohibits the use of funds for research, development, test, and evaluation on the F136

engine.

- Requires the Air Force Audit Agency to conduct an audit of the E-8 Joint Surveillance Target Attack Radar System aircraft re-engining program.

- Prohibits the obligation or expenditure of more that 50 percent of funds on the Navy's Unmanned Carrier Launched Airborne Surveillance and Strike program until the Department has approved an acquisition plan that requires open architecture standards.

Mine Resistant Ambush Protected Vehicle Fund

- Funds fully ($3.2 billion) DOD's Mine Resistant Ambush Protected Vehicle (MRAP) fund, which provides for the sustainment and procurement of MRAPs and M-ATVs.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

The Subcommittee on Emerging Threats and Capabilities, under the leadership of Chairman Kay Hagan (D-NC) and Ranking Member Rob Portman (R-OH), focused on improving DOD capabilities to protect the Nation against emerging threats, including terrorism and the proliferation of weapons of mass destruction, and helping to transform U.S. forces to meet future threats. The subcommittee authorized increased investments in cutting-edge science and technology programs, and for unfunded requirements identified by special operations forces, and recommended improvements in programs to combat terrorism and violent extremism. Specifically, the subcommittee included the following funding and legislative provisions:

Special Operations

- Authorizes $10.4 billion for U.S. Special Operations Command (USSOCOM), an increase of 6 percent above fiscal year 2011 levels.

- Reduces funding for inadequately justified and low-priority procurements, including $105.1 million for non-standard aviation aircraft and $63.3 million for aircraft that were funded previously in the Department of Defense and Full-Year Continuing Appropriations Act, 2011.

- Utilizes the savings from program reductions to fully authorize emergent unfunded equipment requirements identified by the Commander of USSOCOM, including $50.0 million for ground mobility and force protection equipment for special operations personnel deploying to Afghanistan and $15.0 million to purchase maritime combatant craft to fill an unanticipated capability gap.

- Requires the Under Secretary of Defense for Acquisition, Technology, and Logistics to designate the USSOCOM undersea mobility program as a Major Defense Acquisition Program.

- Reduces funding for the Trans Regional Web Initiative by $11.3 million and fences the remaining funds until the Secretary of Defense makes a series of certifications to Congress.

- Requires USSOCOM and the services to reach agreements with regard to the availability of general purpose enabling capabilities to support special operations missions.

Counter Terrorism

- Extends, through fiscal year 2017, the authority of U.S. Special Operations Forces to provide support to regular forces, irregular forces, and individuals aiding U.S. special operations to combat terrorism.

- Authorizes $500.0 million for counterterrorism capacity building activities, which includes two targeted authorities for East Africa and Yemen.

- Requires a report by the Secretary of Defense on lessons learned from DOD participation on interagency counterterrorism teams in Afghanistan and Iraq.

Combating Weapons of Mass Destruction and Nonproliferation

- Provides $508.2 million for the Cooperative Threat Reduction Programs at DOD, the amount of the budget request.

- Provides $2.6 billion for the Nonproliferation Programs at the Department of Energy, a reduction of $2.8 million below the budget request.

- Provides $880.0 million for fissile materials disposition, a reduction of $10.0 million below the budget request.

- Provides $427.0 million for nonproliferation research and development, an increase of $9.4 million above the budget request.

- Directs the DOE to begin to phase out the Global Initiatives for Proliferation Program and reduces the program by $2.0 million.

Assistance and Training

- Authorizes DOD to provide civilian advisors to ministries of defense and multilateral peace and security organizations to help build the capacity of foreign governments to manage and operate more effectively their defense institutions. DOD currently provides civilian advisors to various ministries in the Afghan Government.

- Expands existing DOD authority to provide humanitarian demining assistance to include stockpiled conventional munitions education, training, or technical assistance to nations that request assistance.

- Authorizes $35.0 million to provide logistic support, supplies and services, and intelligence support to (1) the national military forces of Uganda and (2) the national military forces of any other country determined by the Secretary of Defense – with the concurrence of the Secretary of State – to be participating in operations to mitigate and eliminate the threat posed by the Lord's Resistance Army.

- Authorizes the establishment of a joint DOD-State fund to respond to complex crises that require a range of military assistance and other assistance in the security sector. State and DoD could transfer up to $300.0 million into the fund to be used for training and equipping foreign security forces or building foreign nations' law enforcement or justice sector capacity.

Joint Improvised Explosive Device Defeat Organization

- Provides $2.5 billion for the Joint Improvised Explosive Device Defeat Organization in the OCO account – a reduction of $265.0 million from the budget request.

Research, Development, Test, & Evaluation (including Science & Technology)

- Authorizes a net increase of $83.0 million above the budget request level of $12.25 billion for Science and Technology activities within the Research, Development, Test, & Evaluation budget.

- Provides $200.0 million in funding for the Rapid Innovation Program, a competitive, merit-based program designed to fund innovative technologies, reduce acquisition or life cycle costs, address technical risks, improve the timeliness of test and evaluation outcomes, and rapidly insert technologies needed to meet critical national security needs. Funding is equally allocated to four broad categories:
    - Enhancing energy security and independence;
    - Developing advanced materials;
    - Improving manufacturing technology and the defense industrial base; and
    - Advancing microelectronics.

- Directs the DOD to conduct a study to explore potential mechanisms to be able to access non-U.S. citizens with specific critical scientific and technical skills vital to national security interests.

- Grants permanent extension of certain authorities to assist DOD in hiring scientific and technical personnel, as well as funding mechanisms for innovative research and infrastructure revitalization at DOD laboratories.

- Authorizes increases in funding to DOD test and evaluation activities to counter significant reductions in the fiscal year 2012 budget that are inconsistent with the critical role that testing and evaluation activities play in the acquisition process.

- Directs the Navy to develop a broader affordable strategy on laser systems and terminates the Navy's Free Electron Laser due to concerns over operational technical challenges. In addition, terminates the Navy's high-risk Electromagnetic Rail Gun.

- Provides guidance to the DOD to take a more proactive strategic planning approach to critical areas such as the defense industrial base, advanced microelectronics, space science and technology, robotics, high performance computing, weather modernization, nanotechnology, rare earth materials, and its science, technology, engineering, and mathematics workforce.

DOD Counternarcotics Program

- Renews four longstanding DOD counternarcotics authorities programs:
  - Extends for 1 year the authority to provide assistance to the Colombian unified counterterrorism and counternarcotics efforts;
  - Extends for 1 year the authority for a United States joint task force conducting counternarcotics training and assistance to a foreign government to also be permitted to provide counterterrorism training and assistance when a nexus exists between the two activities;
  - Extends for 5 years the authority to train and equip to the counternarcotics forces of certain foreign governments in South and Central America, Central Asia, and West Africa; increases DOD's assistance cap under this authority to $100 million; and expands the list of eligible recipient countries to include: Benin, Togo, Cape Verde, Ghana, Liberia, Nigeria, Sierra Leone, The Gambia, Ivory Coast, Mauritania, Guinea, Nicaragua, and Jamaica; and
  - Extends for 5 years DOD's authority to support the counterdrug activities of other governmental agencies (Federal, State, and local) and foreign governments.

- Provides $1.6 billion to support DOD counternarcotics program in the base and OCO accounts.

- Reduces funding for: contractor support, U.S. European Command's counternarcotics activities, strategic communications, and an Office of Naval Intelligence support activity.

Chemical and Biological Matters

- Authorizes $1.5 billion for chemical and biological defense programs, the level of the budget request.

- Authorizes the budget request level of $1.6 billion for the chemical weapons demilitarization program.

SUBCOMMITTEE ON STRATEGIC FORCES

Under the leadership of the Chairman Ben Nelson (D-NE), and Ranking Member Jeff Sessions (R-AL), the Strategic Forces Subcommittee reviewed DOD programs for national security space, strategic forces, ballistic missile defenses, ISR, and cyber security, as well as DOE nuclear and environmental management programs. Specifically, the subcommittee included the following funding and legislative provisions:

Ballistic Missile Defense

- Authorizes $10.3 billion for missile defense programs, including the requested level of $8.6 billion for the programs of the Missile Defense Agency and $1.7 billion for Army and related programs, a reduction of $406.6 million.

- Authorizes no funding for the Medium Extended Air Defense System, a reduction of $406.6 million from the budget request.

- Authorizes an increase of $30.0 million to purchase production equipment to permit an increase in the production rate of the Standard Missile-3 Block IB interceptor.

- Authorizes an increase of $20.0 million to purchase production equipment to permit an increase in the production rate of the Terminal High Altitude Area Defense system.

- Authorizes an increase of $20.0 million to enhance the development of the Standard Missile-3 Block IIA missile being developed with Japan, to reduce developmental and schedule risk.

- Authorizes $50.0 million increase to the joint U.S.-Israeli missile defense programs, including $25.0 million for development of the "David's Sling" short-range ballistic missile defense system, $20.0 million for the Arrow System Improvement Program, and $5.0 million for development of the Arrow-3 upper-tier interceptor.

- Decreases $60.0 million of $96.3 million for low-priority operation and maintenance of the Airborne Laser Test Bed aircraft, which is not being used for development of any near-term missile defense systems. Funds would be used for higher priority near-term regional missile defense systems.

- Reduces $40.0 million in excess funds identified by GAO for purchase of extended Medium Range Ballistic Missile targets, and $20.0 million in excessive operation and maintenance funds for the Sea-Based X-band radar.

- Expresses the sense of Congress concerning the approach the Missile Defense Agency should take in correcting the problem encountered in the December 2010 flight-test failure of the Ground-based Midcourse Defense system, and requires the Secretary of Defense to submit two reports on the plans and progress for achieving that correction.

- Requires GAO to review and assess the Missile Defense Agency's annual acquisition baseline reports mandated in last year's NDAA, and requires GAO to report on its findings and recommendations through 2016.

- Requires the Secretary of Defense to submit a comprehensive report on future management and funding options for the Medium Extended Air Defense System.

- Expresses the sense of Congress in support of efforts of the United States to pursue missile defense cooperation with Russia that would enhance the security of the United States, its North Atlantic Treaty Organization allies, and Russia, in a manner that is reciprocal and does not limit U.S. missile defense capabilities. The provision also requires the President to submit a report on the status of efforts to agree on such cooperation, including steps to safeguard classified U.S. information.

Strategic Systems

- Authorizes the Air Force to retire the six B-1 bomber aircraft as requested following submission of the retirement plan and a plan to modernize the remaining B-1 bomber fleet.
- Fully funds the next generation penetrating long range bomber
- Includes a provision that would direct the Secretary of Defense to conduct biennial assessments of the safety, security, sustainability, performance, and military effectiveness of strategic delivery platforms.
- Includes a provision that require the President to submit a net assessment to the congressional defense committees to support any proposal to reduce the nuclear weapons stockpile below the numbers in the New START Treaty or to reduce the number of hedge weapons in the stockpile.
- Includes a provision that would direct the President to submit a report describing any new Nuclear Employment Strategy if and when such a strategy is issued.
- Includes a provision that would direct the Secretary of Defense to submit an accounting report on the nuclear weapons stockpile including both deployed and non-deployed weapons.

Space Programs

- Requires the Secretary of Defense to review and assess the ability of national security Global Positioning Systems (GPS) receivers to receive GPS signals without interruption or interference, over the next 2 years.

- Authorizes the Secretary of the Air Force to purchase as a block, two Advanced Extremely High Frequency Satellites using a fixed price contract and with incremental funding.

- Includes a provision that would authorize the Air Force to enter into cooperative agreements or contracts with commercial space providers to improve the manner in which the space launch ranges are managed, including the ability to share costs.

- Deletes $205.0 million from the Navy Mobile User Objective System satellite program for the purchase of the space launch vehicle for the 4th satellite as a result of the delay in the launch of the 4th satellite. The budget request was $282.2 million.

- Reduces GPS IIF space segment by $40.0 million as a result of the Air Force decision to restructure the program by buying two satellites per year vice 3.

- Added $15.0 million for Space-based Infrared satellite (SBIRS) ground stations and sensor exploitation

- Added $20.0 million for SBIRS to integrate the nuclear detonation sensors on the SBIRS satellites 5 and 6, consistent with existing statutory requirement to maintain the nuclear detonation detection capability in space.

- Directed the Defense Information Systems Agency to look at a number of options, in addition to buying or leasing a single commercial satellite, when deciding to acquire commercial satellite communications capacity.

- Added $6.0 million for space situational awareness (SSA) to analyze additional space sensors for use in the SSA system.

Cyber Security

- Includes a provision that would require DOD to acquire and incorporate capabilities for discovering previously unknown cyber attacks in multiple layers of its networks – from desktop computers to the traffic delivered to the Department by Internet Service Providers, and authorizes $20.0 million for that purpose.

- To sustain the cybersecurity pilot activities mandated in the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, an increase of $20.0 million.

Intelligence

- Includes a provision that would require the Under Secretary of Defense for Intelligence to incorporate advanced enterprise-wide database query and correlation capabilities into the DOD intelligence information network, and authorizes $20.0 million for that purpose.

- Includes a provision that would require the Department to post on a website accessible from the Internet all the information needed to allow commercial companies and individuals to design, integrate, and test new analysis tools/applications –"widgets" – into an open-architecture framework for use by the Defense Department and the intelligence community.

- Includes a provision that would require the Department of Defense to develop and implement a program to apply technology and new procedures to prevent "insiders" from being able to download and export from DOD networks large quantities of sensitive information.

- Includes a provision that would require the Secretary of Commerce to undertake a comprehensive review of the current restrictions on the resolution of the electro-optical imagery that commercial satellite imaging companies are allowed to sell or distribute. Current licenses issued by the Commerce Department limit the resolution of satellite imagery to 0.5 meters.

- Includes a provision that would prohibit the Secretary of the Air Force from taking any action regarding the retirement of the U-2 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to Congress that the operating and sustainment (O&S) costs for the Global Hawk aircraft are less than the O&S costs for the U-2 aircraft it is intended to replace.

Department of Energy Programs

- Includes a provision that would direct the Secretary to annually review the computer security at the National Laboratories.

- Includes a provision that would direct the GAO to conduct a review of the oversight of nuclear safety and assess the relative merits of external oversight versus external regulation.

- Includes a provision that would direct GAO to conduct a review on the feasibility of federalizing the paramilitary protective forces at DOE defense nuclear sites.

- Includes a provision that would direct the Secretary of Defense and the Secretary of Energy to review and report their views on the annual GAO review of the adequacy of the DOE budget for nuclear weapons and the nuclear weapons complex.

- Authorizes $18.1 billion for atomic energy defense activities, an increase of $6.1 million.

- Authorizes Environmental Management funding at $5.4 billion an increase of $10.0 million above the budget request.

Defense Nuclear Facilities Safety Board

- Authorizes $33.2 million for the Defense Nuclear Facilities Safety Board (DNFSB), an increase of $4.2 million above the budget request.

- Includes a provision that would grant oversight authority to the DNFSB for construction of the NNSA Office of Nuclear Reactors facility in Idaho.

SUBCOMMITTEE ON SEAPOWER

Under the leadership of the Chairman Jack Reed (D-RI) and Ranking Member Roger F. Wicker (R-MS), the Subcommittee on Seapower focused on the needs of the Navy, Marine Corps, and strategic mobility forces. The subcommittee put particular emphasis on supporting marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher-priority programs. Specifically, the subcommittee included the following funding and legislative provisions:

- Provides full funding for a number of Navy programs, including: Carrier Replacement Program, *Virginia*-class submarine, DDG-1000, DDG-51, Littoral Combat Ship, LHA(R) amphibious assault ship, Joint High Speed Vessel, Mobile Landing Platform, and P-8 maritime patrol aircraft.

- Requires the Department of the Navy to restructure plans to replace the cancelled Expeditionary Fighting Vehicle System and to complete analysis of the Amphibious Combat Vehicle alternatives before launching into a Marine Personnel Carrier acquisition program.

- Provides multiyear procurement authority to buy common cockpits and avionics systems for the Navy's H-60 helicopters.

- Reduces the budget request by $70.0 million to reflect unneeded purchase of CV-22 aircraft already bought in the Overseas Contingency Operations account in fiscal year 2011.

- Eliminates previous legislative requirement that the ex-John F. Kennedy be maintained in condition to be reactivated, allowing the Navy to dispose of the vessel.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Subcommittee Chairman Claire McCaskill (D-MO) and Ranking Member Kelly Ayotte (R-NH) focused the subcommittee's efforts on (1) improving the readiness of our armed forces; (2) ensuring that members of the armed forces and their families have access to appropriate facilities, including family housing; and (3) addressing problems in the management and efficiency of DOD. The subcommittee included the following funding and legislative provisions:

Operations & Maintenance and Procurement Funding Items

- Cuts $1.1 billion from operation and maintenance accounts for the acquisition of contract services, to be achieved by freezing spending on contract services at FY 2010 levels (comparable to the freeze on the civilian employee workforce) and instituting contracting improvements.

- Cuts $684.0 million from excess unobligated balances to encourage better stewardship of taxpayer dollars, based on analysis from GAO.

- Cuts $230.0 million from operation and maintenance (O&M) of Department of Defense business systems, to be achieved by aggressively implementing a new approval requirement for expenditures on such systems and the eliminating funding to maintain business systems that are obsolete, no longer needed, or not a part of the objective business systems architecture of the Department.

- Cuts $130.0 million from operation and maintenance accounts for the military intelligence program, based on testimony of the DOD Comptroller that the Secretary was disappointed in the so-called "zero-based" review of the intelligence budget and believes that more cuts are needed in this area.

- Cuts $269.0 million from unjustified growth in Air Force O&M funding for administration and other service-wide activities.

- Cuts $25.0 million from the Commanders' Emergency Response Program (CERP) to reflect the termination of the CERP program in Iraq.

- Cuts $75.0 million from the Afghanistan Infrastructure Fund, based on the concern that Afghanistan is not ready to absorb the rapid increase in funding proposed in the President's budget.

- Cuts $33.0 million from the Office of Economic Adjustment for Guam facilities support appear to be ahead of need.

- Cuts $14.0 million from Air Force O&M, because funding was requested in anticipation of receiving a space shuttle for a museum, which did not occur.

- Cuts $10.0 million for unjustified growth in Army O&M for joint DOD support and strategic communications.

- Adds $43.4 million for the DOD (IG), to enable the IG to continue growth designed to provide more effective oversight and help identify waste, fraud, and abuse in DOD programs, especially in the area of procurement. DOD IG reviews resulted in an estimated $6.5 billion savings in FY 2010 – a return on investment of $22 for every $1 spent.

- Adds $32.1 million for the DOD Corrosion Prevention and Control shortfall in funding requirements identified by the Department of Defense. DOD estimates that corrosion in military equipment costs the services over $22.0 billion per year; expenditures in this area have yielded an estimated 57:1 return on investment by reducing the bill for repair and replacement of corroded systems and parts.

Military Construction and Basing Issues

- Cuts more than $1.0 billion from the President's budget for military construction and family housing projects.

    - More than $500.0 million in incrementally funded projects to improve efficiency and prevent waste through more efficient cash flow of large projects.
    - Approximately $180.0 million in overseas military construction deemed unnecessary or ahead of need.
    - Approximately $150.0 million in projects requested for the realignment of U.S. Marine Corps forces from Okinawa to Guam as projects are not necessary in this fiscal year.

- Prohibition on funds for the realignment of USMC forces from Okinawa to Guam until the Commandant of the Marine Corps provides an updated force lay-down. The Secretary of Defense must also submit a master plan to Congress detailing construction costs and schedule of all projects necessary to realize the Commandant's force lay-down, and the Secretary must certify to Congress that tangible progress has been made to relocate Marine Corps Air Station Futenma.

- Requires DOD to study the feasibility of relocating Air Force assets at Kadena Air Base on Okinawa and moving Marine Corps aviation assets currently at Marine Corps Air Station Futenma to Kadena Air Base rather than building an expensive replacement facility at Camp Schwab.

- Prevents the obligation of any funds for Tour Normalization on the Korean Peninsula until the Secretary of the Army provides Congress with a master plan including all costs and schedule to complete the program. It also requires the Director, Cost Assessment and Program Evaluation (CAPE) to perform an analysis of alternatives justifying the operational need.

- Places a temporary restriction on the construction of any new data centers until utilization rates are increased and better planning for requirements is provided.

- Reauthorizes Contingency Construction Authority that allows the Department to reprogram O&M funds for military construction to meet temporary operational requirements during a time of declared war, national emergency or contingency operation until September 2012.

- Encourages the Department to continue to take positive and direct actions to acquire anti-terrorism/force protection compliant facilities, to the maximum extent practicable.

- Requires the Secretary of the Navy to submit a plan to address the facility and infrastructure requirements at each public shipyard under the jurisdiction of the Department of the Navy.

- Provides for the rescission of $388.4 million of unobligated prior year military construction funds.

- Authorizes $135.0 million for the Energy Conservation Investment Program.

Readiness-Related Legislative Provisions

- *DOD Industrial Facilities:* Provisions would: (1) authorize DOD to designate all military industrial facilities, not just military depots, as Centers of Industrial and Technical Excellence, allowing them to more efficiently enter into public-private partnerships; (2) increase the number of cooperative agreements that Army industrial facilities may enter into with non-Army entities and extend the expiration date for the program from 2014 to 2025; (3) clarify the appropriate use of investment funds included in the capital budget of a depot, ammunition plant, or industrial facility; (4) require Defense Logistics Agency to submit a report to Congress on the steps to improve the responsiveness of the supply chain for the retrograde and reset program for the equipment from Iraq and Afghanistan; and (5) direct the Secretary of Defense to conduct a survey of the quantity and condition of non-tactical wheeled vehicles and base-level commercial equipment in the fleet of the military departments and report to Congress on the advisability of establishing service life extension programs for such classes of vehicles.

- *Energy Provisions:* Provisions would: (1) establish interim goals for DOD's use of renewable energy to make it more likely that the Department will be able to meet the current statutory objective of using at least 25 percent renewable energy by 2025; (2) clarify the Secretary of Defense's authority to accept voluntary financial contributions to offset the cost of mitigation measures taken in the event of adverse impacts on military operations from the development of wind turbines and high power lines in the vicinity of military bases; and (3) require commanders of military installations inside the United States to develop plans to minimize the effects in the event of a disruption of services by a utility company.

- *Military Training Provisions:* Provisions would: (1) direct the Commander of the U.S. Special Operations Command to conduct a study on the ability of existing training ranges to support the full spectrum of missions; and (2) direct the Secretary of the Air Force to conduct a study on the ability of the major air test and training range infrastructure to support the full spectrum of Air Force operations.

- *Defense Stockpile:* Provisions would: (1) increase DOD stockpile commodity disposal authority by $100 million and extend the authority to 2016; and (2) authorize $50.0 million for the operation and maintenance of the stockpile.

Acquisition Policy Provisions

- *Operating and Support Costs:* Implements GAO and CAPE recommendations to improve the management of Operating and Support costs, which are estimated to constitute 70 percent of the lifecycle costs of major weapon systems.

- *Corrosion:* Requires implementation of the recommendations of a recent congressionally-mandated report on corrosion control on the F-22 and F-35 programs to ensure that the Department addresses corrosion issues that can affect the affordability and suitability of weapon systems throughout their life cycles.

- *Developmental Testing:* Requires that each major defense acquisition program be supported by a chief developmental tester and a lead developmental test and evaluation organization to help program managers oversee developmental test and evaluation activities and make technically informed, objective judgments about their programs.

- *Administrative Breaches:* Reduces the statutory requirements for critical Nunn-McCurdy breaches (steep increases in the cost of major defense acquisition programs) that are caused primarily by quantity changes.

- *Cooperative Agreements for Development of Major Weapon Systems:* Requires DOD to submit a risk assessment in connection with any cooperative agreement with allied nations for the development of a major weapon system.

- *Past Performance:* Requires DOD to implement recommendations of the Commission on Wartime Contracting to improve the quality and timeliness of information on contractor performance that is included in databases used for making source selection decisions.

- *Implementation of Defense Science Board (DSB) Recommendations:* Requires the Under Secretary of Defense for Acquisition, Technology, and Logistics, to implement the recommendations of a recently-completed DSB Task Force on contracting for services.

- *Limitation on Annual Amount Available for Contract Services:* Caps DOD spending for contract at the level of the FY 2010 President's budget request; requires the Department to build on Air Force experience in achieving significant savings through stronger management of service contracts.

- *Executive Salaries:* Expands the existing cap on the allowability of contractor executive compensation, as requested by the Department of Defense.

- *Domestic Manufacture of Certain Components:* Authorizes the Secretary of Defense to waive the domestic specialty metal requirement for a U.S. manufacturer upon a determination that in the absence of a waiver, the component would be produced overseas, using foreign specialty metals.

- *Contracting with the Enemy:* Authorizes DOD to void a contract to a contractor who has been determined by the Commander, U.S. Central Command to be actively opposing U.S. forces in Afghanistan. A related provision would provide enhanced audit authority to assist in the enforcement of this provision.

- *Contractor Logistics Support:* Requires that the Quadrennial Defense Review, the National Military Strategy, and other key military planning documents address the expected roles and responsibilities of contractors in military operations and associated risks.

- *JUON Fund:* Establishes a new fund to allow the Department to rapidly field new systems in response to urgent operational needs identified on the battlefield, as requested by DOD.

- *Other Provisions would:* (1) repeal a certification requirement for major defense acquisition programs pre-dating the enactment of the Weapon Systems Acquisition Reform Act, as requested by the Department; (2) clarify responsibility for regulations addressing cost analyses and targets for negotiation; (3) provide increased flexibility to the Department in establishing standards for the manufacturing readiness of major defense acquisition programs; (4) expand rapid fielding authority to cover support services; (5) allow the designation of a lead contracting activity to handle "reach-back" contracting in support of operations in Afghanistan, as requested by DOD; (6) reduce reporting burdens on the Department by substituting a single annual report for dozens of individual reports currently submitted on single-award task order or delivery order contracts; (7) modify last year's provision on rights in technical data to clarify the circumstances in which the government needs and should retain "government purpose" rights; (8) clarify a certification requirement applicable to DOD contracting through other agencies of the Federal Government; (9) clarify the coverage of a provision requiring improved contractor business systems; (10) require GAO reports on DOD's progress in improving competition in contracting; (11) address the availability of funds in the Defense Acquisition Workforce Development Fund, as requested by DOD; (12) address jurisdiction in maritime bid protests, as requested by DOD; (13) addresses contracts with the Civil Reserve Air Fleet, as requested by DOD; (14) address the purchase of right-hand drive vehicles for use overseas, as requested by DOD; and (15) extend DOD small business authorities.

Defense Management Provisions

- *Improved Management of Defense Business Systems:* This provision would update requirements for defense business systems by: (1) clarifying and strengthening the management authority of the Chief Management Officers in the investment review process; and (2) extending this authority to decisions to spend money on existing systems (in addition to the acquisition of new systems).

- *Other Provisions would:* (1) tighten qualification requirements for DOD financial management personnel; (2) clarify a provision regarding the commercial availability of small arms ammunition, ammunition components and fired cartridges; (3) make technical corrections and adjustments to legislative provisions regarding manufacturing and the defense industrial base and delegation of authority to approve certain Cooperative Research and Development Agreements; (4) align two separate dollar thresholds for procurement of capital assets; (5) ensure that reimbursements to the DOD under the

Reciprocal Fire Protection Agreements are not expired at the time of their reimbursement to the command that provided the fire protection services; and (6) amend the date on which the budget certification is delivered to Congress from the Office of the Assistant Secretary of Defense for Operational Energy Plans and Programs.

Environmental Provisions

- Provides full funding for DOD environmental restoration programs to help ensure active and former contaminated sites are restored to acceptable levels in a timely manner.

- Requires the Secretary of the Navy to take certain actions related to the dissemination of information on the issue of water contamination at Camp Lejeune, North Carolina, and to refrain from certain actions until ongoing scientific studies are completed.

- Amends the Act to Prevent Pollution from Ships to require Navy and Coast Guard ships at sea to meet the same standards for the discharge of garbage in all ocean areas that Navy is currently required to meet in the environmentally-sensitive "special areas" as designated by MARPOL.

- Modifies and clarifies certain provisions of the Legacy program and the Readiness and Environmental Protection Initiative to provide DOD more flexibility.

GENERAL PROVISIONS

- The bill reported by the committee includes a bipartisan detainee compromise, introduced by Senators Levin, McCain, Graham, Chambliss, Brown, and Webb, that was adopted by a 25-1 vote. The bipartisan detainee provision would:
  - Provide a statutory basis for the detention of individuals captured in the course of hostilities conducted pursuant to the Authorization for the Use of Military Force.
  - Require military detention – subject to a national security waiver – for the core group of detainees who are part of al Qaeda and participate in planning, carrying out or attempting attacks against the United States or coalition partners.
  - Establish permanent limitations on the transfer of Guantanamo Bay (GITMO) detainees to foreign countries, to ensure that all possible steps have been taken to avoid recidivism, subject to a national security waiver.
  - Establish a permanent prohibition on the use of DOD funds to build facilities in the United States to house GITMO detainees.
  - Require DOD to issue procedures addressing ambiguities in the review process established for GITMO detainees and ensure that the Secretary of Defense has final responsibility for any release or transfer decision.
  - Require DOD to establish procedures, including a military judge and a military lawyer, for determining the status of detainees who will be held in long-term custody pursuant to the Authorization for Use of Military Force.
  - Clarify procedures for guilty pleas in trials by military commission.

- A provision that would repeal or modify almost 100 recurring reporting requirements that the committee determined to be unnecessary or overly burdensome, as requested by the Secretary of Defense as part of his efficiencies initiative.

- Requires an independent study by a non-governmental entity to assess the U.S. military's security posture in the Asia-Pacific region.

- Extends for one year the authority for the DOD Task Force on Business and Stability Operations to carry out projects that promote Afghanistan's economic stability in support of the counterinsurgency campaign, and provides $150.0 million for the task force's activities.

- Requires benchmarks on the progress of security transition in Afghanistan, to be reported to Congress on a semi-annual basis.

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