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H.R.2647: FY 2010 National Defense Authorization Act
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2009 IS THE YEAR OF THE MILITARY FAMILY

H.R.2647 Honors the Sacrifice of Our Military Families

Earlier this year, under the leadership of Chairman Skelton, Congress passed a resolution declaring 2009 the “Year of the Military Family.” This declaration underscores the committee’s steadfast commitment to expanding and enhancing programs that support our military families. As our nation continues in its eighth year of military conflict, it is service members and their families who continue to shoulder the burdens of multiple and lengthy deployments.

Accordingly, the committee supports the President’s decision to increase funding for family support programs by \$263 million over the FY09 budget request, for a total of \$2.1 billion. These programs are critical to supporting our military families as they endure year after year of having a loved one deployed overseas.

To thank them for their unselfish sacrifices, the committee includes the following provisions:

Service Members Pay and Benefits

- Authorizes a pay raise of 3.4%, an increase of 0.5% above the budget request. This further reduces the gap in pay increases between the uniformed services and the private sector to 2.4%.
- Extends the temporary increase in the maximum number of leave days a service member may accumulate and carryover from one year to the next.
- Limits the collection of pay and allowance overpayments that result from administrative error.

Assistance with Healthcare

- Requires a medical examination before a service member who has been deployed overseas in support of a contingency operation and diagnosed with either PTSD or TBI, can be involuntarily separated under other than honorable conditions.
- Authorizes service members to designate three persons, including people that are not family members, to be provided transportation during any two month period to visit them while they’re hospitalized. Additionally, for seriously injured service members who must travel for treatment, travel benefits are authorized so they may have a non-medical attendant assist them with the trip.
- Establishes a monthly compensation allowance for members with combat related catastrophic injuries or illnesses so they can receive assistance with the daily activities of life from a non-medical attendant.

- Requires DOD to identify other legislative authorities are needed to develop additional training programs for service members who wish to become licensed mental health providers.
- Directs DOD to provide scholarships to students pursuing degrees in disciplines that contribute to mental health programs.
- Extends TRICARE eligibility to reserve members so they can receive full TRICARE coverage 180 days before they go on active duty. Previously, reserve members were only eligible 90 days.
- Expands eligibility under the TRICARE dental program for the survivor of a service member who dies on active duty to correspond with their eligibility under the TRICARE medical program.
- Directs DOD to report on the health care needs of military families.

Helping Our Military Families

- Establishes an internship pilot program for military spouses to obtain employment with federal agencies in order to provide them with opportunities in careers that are portable as they move from station to station.
- Provides \$50 million to assist local education agencies providing support to military children, with an additional \$15 million for those heavily impacted by force structure changes and BRAC.
- Provides \$11 million for facilities sustainment and recapitalization for the Department of Defense Dependent Schools (DODEA) to bring the funding up to 100% of the requirement for FY10. DODEA oversees all overseas and certain domestic schools on military bases.
- Provides \$1.95 billion for family housing programs. These programs will help support and expand quality housing for all service members and their families.
- Requires DOD to review the standards used to calculate the monthly rates for basic allowance for housing to determine if the current standards are meeting the needs of today's military families.
- Authorizes an additional privately-owned vehicle to be shipped to nonforeign overseas locations to assist military families with transportation needs.
- Increases the weight allowances for shipment of household items to be transported between assignments for service members in the grades of E-5 through E-9.

- Directs GAO to review and assess the progress DOD has made in implementing recommendations to reduce domestic violence incidents.

PREPARING OUR TROOPS FOR TODAY'S CONFLICTS AND TOMORROW'S CHALLENGES

H.R.2647 Ensures an Adequate Level of Readiness

Restoring the readiness of our armed forces continues to be a significant concern for the committee. More than seven years of continuous combat operations have placed a significant strain on the services, which continues to manifest itself in declining readiness trends across many aspects of U.S. military forces.

The committee has a responsibility to ensure our brave service members are ready for today's fights and those we may face down the road. Funding the equipment and training needed for today must be balanced with the long-term modernization of the services. It is only with intensive management and resourcing to retrain troops and reset equipment that our readiness levels will improve. Our service members are exceptionally good at what they do. Their equipment and training programs must also meet that standard.

The committee directs funding toward key readiness needs and includes a number of policy provisions to help address this pressing issue.

Readiness Highlights:

- Adds \$395 million to fill the Navy's top unfunded requirement: \$200 million for deferred maintenance for Navy ships and \$195 million for Navy aviation depot maintenance;
- Includes \$176 million to refill and maintain our nation's prepositioned stocks in order to help us prepare for any future contingencies;
- Provides \$4.7 billion for training opportunities for the Army;
- Authorizes \$11 billion for Army reset and \$2 billion for Marine Corps reset;
- Adds \$450 million for Army barracks improvements and \$440 million to support National Guard and Reserve military construction projects;
- Adds \$762 million to achieve 100% of the requirement for sustainment of military base facilities and infrastructure, including Department of Defense schools; and
- Adds \$600 million, for a total of \$6.9 billion, to address equipment shortfalls in the National Guard and Reserves.

Additional Provisions:

U.S. Forces Readiness Evaluation

The bill directs GAO to review DOD's approach to balancing the dueling requirements of troop deployments to Iraq and Afghanistan with training needs of troops back home.

Prepositioned Stocks

The committee applauds the department's efforts to refill our nation's prepositioned stocks and authorizes the full budget request, \$176 million, to increase our overall preparedness for any future contingencies.

Navy Training

The Navy has undertaken a number of initiatives designed to improve fleet readiness while achieving cost savings, leading to changes in the way it trains personnel and mans ships. To gain a better understanding of how these changes have affected naval readiness, the bill directs GAO to review the training, size, composition and capabilities of the Navy's ship crews.

Expanded Depot Definition

The committee expands the definition of depot maintenance to include the installation of major weapons system modifications. The expansion ensures that the government's depots are considered for major modification work.

Condition-Based Maintenance Pilot Program

The committee is concerned that too often maintenance performed on military equipment is costly and inadequate. The bill authorizes a 12 month condition-based maintenance demonstration project on tactical wheeled vehicles and guided missile destroyers. Condition-based maintenance is performed on evidence of need, rather than at fixed time intervals.

AFGHANISTAN – PAKISTAN STRATEGY

H.R.2647 Requires a More Strategic Approach to Conflict in that Region

Afghanistan has long been known as the “forgotten war,” and Chairman Skelton has advocated for increased attention to our military operations there for quite some time. The President’s new strategy, which includes increased military and civilian resources for Afghanistan and recognizes the vital importance of Pakistan, is a welcome development. Success in this region will require action on both sides of the border, not just in Afghanistan.

The committee has been conducting strong oversight of DOD operations in Afghanistan and assistance provided to Pakistan and will continue to do so as the situation evolves. This year’s bill contains provisions requiring a number of performance assessments to ensure our strategy in both countries is effective and achieves the intended goals within well-defined timelines.

Afghanistan Policy

Improving security throughout Afghanistan is critical to protecting American national security interests. The committee includes the following provisions to help our armed forces with this mission and prepare Afghanistan to stand on its own.

Required Assessments of Goals in Afghanistan

The committee requires the President to assess U.S. progress in four areas for Afghanistan, including: assisting the Afghan people with building a functional government; spreading the rule of law and reducing corruption; reducing the ability of anti-government elements to carry out attacks in and from Afghanistan; and improving the economy. The administration is directed to develop goals and timelines to achieve the aims listed, in addition to measures of effectiveness for accurate assessments in each area.

Increasing the Size of the Afghan National Security Forces

The committee fully authorizes the budget request of \$7.4 billion for the Afghanistan Security Forces and is pleased to see administration focus on their training. However, the committee remains concerned that the current target level of 222,000 Afghan National Security Forces (ANSF) is inadequate. The Secretary of Defense is urged to undertake an urgent review to determine what levels of ANSF are required to provide security in Afghanistan and allow the redeployment of U.S. troops.

Government Mentors for Afghanistan and Iraq

The committee is concerned that the effort to provide advisors to the Government of Afghanistan has not been well coordinated. The bill provides DOD the authority, together with the Department of State, to provide mentors to advise senior civilian and military officials in Afghanistan and Iraq.

Planning for Logistical Challenges in Iraq and Afghanistan

The department will face an array of challenges as it begins to drawdown forces in Iraq and increase troop levels in Afghanistan. It is critical that DOD develop sound plans and the bill directs the department to report on how it is prioritizing resources, such as ISR capabilities and engineers, between the two efforts.

GAO Assessment of Campaign Plans for Iraq and Afghanistan

The committee directs GAO to submit separate assessments of the strategic plans for Iraq and Afghanistan. These reports are an important aspect of congressional oversight.

Tracking Defense Articles Provided to Afghanistan and Pakistan

The bill requires the President to establish a registration and monitoring system for all defense articles provided by the U.S. to the governments of Afghanistan and Pakistan, in order to better account for these materials.

Major Supply Routes into Afghanistan

The committee provides limited authority to DOD to buy local products in areas located along major supply routes into Afghanistan. This will help expand and secure existing routes and open up additional options, a critical need for current military operations.

Report on Compensation for Civilian Losses

The bill directs the department to submit a report on payments made to noncombatant Afghanistan residents for losses caused by U.S. military operations. The committee regrets any civilian casualties and would like to maintain oversight of this issue to ensure sufficient efforts are being made

Interagency and PRT Coordination Report

The committee requires DOD and the State Department to report on the status of interagency coordination in development and reconstruction programs and the staffing structure of provincial reconstruction teams (PRTs) in Afghanistan.

Pakistan

The committee emphasizes the critical importance of security and stability in Pakistan to U.S. and regional security and welcomes the President's efforts to prioritize security issues in Pakistan and his commitment to strengthening the U.S.-Pakistan partnership. The committee will continue to conduct vigorous oversight of U.S. funding and other assistance to Pakistan to ensure that it achieves its intended goals and objectives.

Progress in Pakistan Report

The committee requires the President to assess progress toward long-term security and stability in Pakistan. Specifically, the President is required to report on progress toward: Pakistan no longer being a safe haven for terrorist or insurgent networks; increasing effective civilian governance; and creating conditions for long-term economic and social growth and stability. For each area assessed, the administration is directed to develop goals, objectives, timelines and metrics for measuring progress.

Coalition Support Funds

The bill authorizes the administration's request of \$1.6 billion for coalition support fund reimbursements to nations providing logistical and military support in connection with Operation Iraqi Freedom or Operation Enduring Freedom. The department is directed to review possible alternatives to these reimbursements for Pakistan that would encourage the Pakistani military to

undertake counterterrorism and counterinsurgency operations and work towards long-term U.S.-Pakistan military relations and cooperation.

Pakistan Counterinsurgency Fund

The committee authorizes the Pakistan Counterinsurgency Fund to improve the counterinsurgency capabilities of Pakistan's security forces, including Pakistan's military and Frontier Corps.

REFORMING THE DEFENSE ACQUISITION SYSTEM

H.R.2647 Saves Taxpayer Money

Efficiently using taxpayer money by reforming the defense acquisition system is a top priority for the committee. Earlier this year, the Panel on Defense Acquisition Reform was created to focus on addressing the ongoing challenges associated with this issue, and Chairman Skelton, along with the panel members, helped to get the bipartisan Weapon Systems Acquisition Reform Act signed into law.

This year's NDAA builds upon this legislation and supports the President's emphasis on eliminating waste, fraud and abuse within the acquisition system. The committee includes the following provisions to further protect our warfighters and make the most efficient use of taxpayer dollars:

Acquisition Workforce

The acquisition workforce is at the heart of the DOD acquisition system. In previous years, the civilian acquisition workforce has been downsized too much, resulting in a flawed acquisition system.

The committee is in full support of the Secretary of Defense's plan to increase the size of civilian acquisition personnel by 9,000 and convert 11,000 contractor positions to DOD civilian personnel positions. The committee takes the following actions to support the administration's initiative and reduce DOD's reliance on contractors for critical acquisition functions:

- Requires DOD to include contractor employee data for service contracts in annual budget documents;
- Expands the expedited hiring authority for the acquisition workforce provided by the committee in the FY09 NDAA;
- Directs DOD to report on how it plans to achieve its insourcing (using civilian employees for new work or work that is currently being performed by contractors) goals; and
- Eliminates the limits on the number of civilian personnel that can be hired for DOD acquisition work in order to accommodate increases in workload and accomplish work that is inherently governmental.

Information Technology (IT) Acquisition Reform

The DOD process for acquiring new IT systems is often too slow, given the frequency at which changes and upgrades of these systems are needed. The committee includes the following provisions to help improve the acquisition of information technology:

- Gives DOD the authority to establish ten pilot programs to rapidly acquire IT capabilities under an alternative acquisition process;

- Streamlines the cost, schedule and performance reporting for major automated information systems (MAIS), by allowing DOD to designate MAISs that also qualify as major defense acquisition programs as one or the other;
- Authorizes the department to enter into agreements with private sector organizations to arrange for the temporary assignment of DOD IT professionals to the private sector, or for private sector IT professionals to be assigned to DOD organizations; and
- Establishes more meaningful metrics for the acquisition of software intensive programs by amending the reporting requirement in law by replacing references to “initial operational capability” and “full operational capability” with the term “full deployment decision” in order to bring terminology more in line with updated acquisition regulations.

General Contracting Reforms

- Provides DOD the authority to require return of award and incentive fees and/or prevent a firm from competing for any future contracts if its action leads to a service member or civilian employee’s death or severe injury;
- Requires the Panel on Contracting Integrity, established by the FY07 NDAA, to review “revolving door” policies surrounding defense officials who leave DOD to work in the defense industry, in order to ensure there are no conflicts of interest;
- Provides DOD the authority to withhold payment on all contracts that have undefined terms and requirements;
- Requires DOD to report on how to enhance the system through which it addresses serious contractor performance deficiencies in cases where DOD is overly dependent on a contractor;
- Expands existing suspension and debarment rules so that agencies can prohibit debarred contractors from getting subcontracts of any size on federal projects;
- Requires DOD to make public the justification of any decision to bundle multiple contracts into a single large contract prior to issuing a solicitation;
- Requires DOD to report on its plans to sustain the capability to provide oversight of contingency contracting and plan and train for contractor support for the long-term;
- Requires an independent look at DOD’s process for service contracting to assess DOD’s ability to establish clear requirements, measure performance, develop the right kind of contracting expertise, and manage service contracts;
- Authorizes \$10 million to implement requirements for additional analysis arising from passage of the Weapon Systems Acquisition Reform Act of 2009;

- Renews the authority to use simplified acquisition procedures for commercial items that costs less than \$5 million for two years; and
- Requires that the function of product support integrator be performed by a government employee or member of the armed forces in contracts for the sustainment of major weapons systems.

Eliminating Threats From Loose WMDs & Nuclear Materials

Department of Energy Nonproliferation Programs

The committee fully supports the DOE's nonproliferation programs and continues to believe that these programs are critical to U.S. national security and must be a top priority. The committee welcomes the President's focus on keeping weapons of mass destruction and related materials out of the hands of terrorists, and this year's bill provides \$2.5 billion for DOE's programs, an increase of \$403 million, to support the President's nonproliferation goals and protect our nation.

The committee provides funding for the following programs:

- \$577 million, an increase of \$224 million, for the Global Threat Reduction Initiative. This includes \$127 million to support the President's four-year plan to secure and remove all known, vulnerable, nuclear materials around the world that can be used for weapons. It also includes funding to secure and remove vulnerable weapons-usable radiological material around the world.
- \$731 million, an increase of \$179 million, for the International Nuclear Materials Protection and Cooperation program, which includes funding to deploy radiation detection equipment at high-threat border crossings and ports to deter, detect and interdict illicit transfers of materials that could be used in WMD or a radiological "dirty bomb."
- \$701 million for the U.S. Surplus Fissile Materials Disposition program, which disposes of surplus weapons-grade plutonium using the Mixed Oxide (MOX) Fuel Fabrication Facility.

Department of Defense Cooperative Threat Reduction (CTR) Program

The committee fully supports the DOD CTR Program and continues to believe the program is critical to U.S. national security and must be a top priority. The bill provides \$434 million, an increase of \$30 million, which includes funding for new CTR initiatives.

In addition to increased funding, the bill includes the following provisions to provide the President with new tools to further his goals and objectives for the CTR Program:

- Authority for DOD to accept international contributions for CTR activities;
- A limited exemption from funding limitations for CTR activities that address urgent threats arising from the proliferation of chemical, nuclear and biological weapons and weapons-related materials, technologies, and expertise; and
- A National Academy of Sciences report on metrics to measure the impact and effectiveness of CTR activities.

Enhancing Cybersecurity Protections

The committee continues to work to reduce cybersecurity vulnerabilities in the critical infrastructure sectors that may pose a significant risk to DOD. The bill includes the following provisions to help address these vulnerabilities:

- Directs DOD to establish a process for addressing hardware or software vulnerabilities to defense information technology systems;
- Requires DOD to establish a joint program office for cyber operations capabilities to assist in the development of future capabilities including manpower development, tactics and technologies for the services, defense agencies and combatant commands;
- Provides the authority to DOD to allow private sector civilians to receive instruction at the Defense Cyber Investigation Training Academy;
- Authorizes \$5 million above the budget request to support K-12 and undergraduate Reserve Officer Training Corps (ROTC) educational outreach programs in mathematics and computer science;
- Directs the Under Secretary of Defense for Acquisition, Technology and Logistics to submit a report assessing the state of quantum computing research; and
- Requires DOD to report on the recruitment, retention and career progression of military and civilian cyber operations personnel in the department.

Supporting the National Guard and Reserves

The National Guard and Reserves continue to be called upon to meet an expanding range of requirements. The committee believes the reserve component must be provided with the necessary resources in order to meet these requirements. The bill includes the following provisions to achieve this goal:

- Adds \$600 million, for a total of \$6.9 billion, to address equipment shortfalls in the National Guard and Reserves;
- Provides an additional \$440 million to support National Guard and Reserve military construction projects;
- Extends TRICARE eligibility to reserve members so they can now receive full TRICARE coverage 180 days before they go on active duty. Previously, reserve members were only eligible 90 days before they went on active duty;

- Directs the Army to report on options for creation of a Trainees, Transients, Holders, and Students (TTHS) account within the Army National Guard. The committee believes this program will help improve the readiness of the Army National Guard; and
- Requires DOD to conduct a comprehensive study and make recommendations on how to resolve company grade officer shortages within the Army National Guard and Army Reserve.

READINESS SUBCOMMITTEE

The Readiness Subcommittee, under the leadership of Chairman Solomon Ortiz (D-TX), oversees \$217 billion in resources for military construction and the operation and maintenance of the military services and their installations. This year's bill helps train and equip our service men and women for the missions they are called to perform overseas and provides the facilities and services they deserve when they return home. The committee continues to work to address shortfalls in these areas in order to restore our nation's readiness levels leave us prepared for any future contingencies.

Highlights:

- Increases funding for naval depot maintenance accounts by \$395 million;
- Authorizes \$11 billion for Army reset and \$2 billion for Marine Corps reset;
- Provides \$176 million to refill our nation's prepositioned stocks;
- Directs \$450 million to improving Army barracks;
- Includes a number of provisions to assist with the military buildup on Guam;
- Suspends A-76 studies; and
- Places restrictions on the current National Security Personnel System.

Readiness Initiatives

Naval Depot Maintenance

The committee remains concerned that naval depot accounts have been underfunded over the past few years, despite being critical to maintaining our Navy's ships and aircraft. The committee provides funding to address the Navy's entire unfunded depot maintenance requirements for a total increase of \$395 million, of which \$200 million is directed to ship depots and \$195 to aviation depots. The total funding for naval depot maintenance is \$6 billion, which will help improve the readiness of our Navy to meet current and future threats.

Navy Training

The Navy has undertaken a number of initiatives designed to improve fleet readiness while achieving cost savings, leading to changes in the way it trains personnel and mans ships. To gain a better understanding of how these changes have affected naval readiness, the bill directs GAO to review the training, size, composition and capabilities of the Navy's ship crews.

Prepositioned Stocks

The committee applauds the department's efforts to refill our nation's prepositioned stocks, and authorizes the full budget request, \$176 million, to increase our overall preparedness for any future contingencies.

U.S. Forces Readiness Evaluation

The bill directs GAO to review DOD's approach to balancing the dueling requirements of troop deployments to Iraq and Afghanistan with training needs of troops back home.

Army Ammunition Plant Infrastructure

The committee remains concerned over the deteriorating infrastructure conditions at Army ammunition plants (AAPs), and the lack of emergency response capabilities and other critical physical security deficiencies that continue to exist. DOD is directed to assess what is needed to improve the plants' ability to respond to a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

Expanded Depot Definition

The committee expands the definition of depot maintenance to include the installation of major weapons system modifications. The expansion ensures that the nation's government depots are considered for major modification work.

Corrosion Prevention

DOD Corrosion Control and Prevention Office

The cost of corrosion to DOD is approximately \$20 billion annually, of which \$7 billion is thought to be preventable. The committee provides an additional \$6 million for the DOD Corrosion Control and Prevention Office, to continue its success in reducing corrosion costs.

Corrosion Evaluation of Joint Strike Fighter

The committee is concerned that lessons learned from the F-22 aircraft on preventing and managing corrosion have not been applied to the Joint Strike Fighter (JSF). The committee directs DOD to evaluate the JSF while it's in the development process for similar corrosion issues.

Condition-Based Maintenance Pilot Program

The committee is concerned that too often maintenance performed on military equipment is costly and inadequate. The bill authorizes a 12 month condition-based maintenance demonstration project on tactical wheeled vehicles and guided missile destroyers. Condition-based maintenance is performed on evidence of need, rather than at fixed time intervals.

Grow the Force Funding

This past April, the Secretary of Defense announced his decision to reduce the planned number of Army brigade combat teams (BCTs) from 48 to 45. As the Army has planned and started construction for 48 BCTs, the committee feels DOD does not need all the requested funding for the Grow the Force initiative.

The bill reduces funding for this initiative by \$500 million, which will be used for more urgent requirements, including an additional \$450 million for improving Army training barracks and an additional \$440 million to support National Guard and Reserve military construction projects. The committee fully funds the Marine Corps Grow the Force funding for \$1.9 billion.

Family Housing

The committee provides \$1.95 billion for family housing programs. These programs will help support and expand quality housing for all service members and their families.

Base Realignment and Closure (BRAC)

The committee funds the 2005 BRAC account at \$7.1 billion. Additionally, the committee adds \$140 million to the accounts of BRAC projects prior to 2005 to help address environmental issues. To help local communities redevelop military sites that have been closed under BRAC more expeditiously, the bill provides DOD with special authority to negotiate land conveyances with local governments.

Guam

The committee includes the following provisions in the bill to help address concerns about the buildup of U.S. forces on Guam and our restructuring on Okinawa:

- Requires all military construction on Guam to meet U.S. federal standards.
- Directs the Department of Labor to set a minimum wage standard for all construction workers on Guam.
- Fully authorizes a military hospital on Guam, at \$446 million.
- Directs DOD's Inspector General to serve as the chair of an interagency coordination group in order to provide objective oversight and transparency over the military construction projects on Guam.
- Directs DOD to not accept the proposed Marine Corps Air Station at Futenma replacement facility in Okinawa until it meets minimum naval aviation safety requirements.

A-76 Public Private Competition

The committee remains concerned that A-76 studies are too resource-intensive and take too long to complete, placing an unfair strain on the federal employees whose jobs are being competed. Public-private initiatives have not been proven to save the taxpayer money and the committee feels our limited resources could be better utilized while the country is conducting major operations in Iraq and Afghanistan.

Accordingly the committee places a three year moratorium on future A-76 studies and temporarily on studies already in progress, until the administration reviews the entire process. Finally, the committee requires all future A-76 studies be conducted in no more than 18 months.

DOD Civilian Personnel

National Security Personnel System (NSPS)

Congress has enacted several changes to NSPS, and is encouraged by the administration's decision to review the system. However, concerns about NSPS' effectiveness and impact on employees remain. The committee therefore restores the full 100% nationwide adjustment (a cost-of-living pay increase) requirement for all employees under NSPS. Currently, NSPS employees only receive a 60% adjustment. Further, DOD is not permitted to reclassify any General Schedule (GS) positions to NSPS, and all new hires must enter the GS system.

Finally, within one year of the bill's enactment, the department is required to return all NSPS positions to the GS system. The Secretary of Defense is directed to provide a report on NSPS within six months prior to the deadline to allow Congress sufficient time to consider his recommendations. Similar restrictions are imposed upon the Defense Civilian Intelligence Personnel System.

Security Clearance Reform

Reforming the security clearance process has long been a focus for the committee. Any release of classified information poses a severe security risk and delays in clearance processing increases harm to our national security. The committee directs the department to report on its plans to make the security clearance system more efficient and effective.

Federal Civilian Employees Working Overseas

The committee extends for one year the authority of federal agencies to waive limitations on the amount of premium pay and benefits provided to DOD civilian employees working in the CENTCOM area of responsibility.

Procurement Technical Assistance Program (PTAP)

The Procurement Technical Assistance Program (PTAP) is a nationwide network of community-based procurement professionals who provide critical assistance to small businesses seeking to participate in DOD and federal agency procurement contracts. The committee directs \$30 million, an increase of \$9 million to this important initiative.

DOD Environmental Issues

Readiness Environmental Protection Initiative (REPI)

The committee expects the military departments to use available funding through the REPI program to partner with public and private entities to establish protective buffer zones around military installations in order to increase protection of key military spaces and natural habitats, foster public safety standards and encourage economic growth. The committee authorizes \$56.7 million, an increase of \$20 million for this initiative.

Reauthorization of the Sikes Act

The Sikes Act provides for cooperation between DOD and the Department of the Interior and state agencies in the planning, developing and maintaining of fish and wildlife resources on military installations throughout the U.S. The committee reauthorizes this program for five years.

SEAPOWER AND EXPEDITIONARY FORCES SUBCOMMITTEE

Led by Chairman Gene Taylor (D-MS), the Seapower and Expeditionary Forces Subcommittee authorizes \$63 billion in the fiscal year 2010 budget request for Navy and Marine Corps procurement and research and development programs. The authorization by the subcommittee ensures that our Navy and Marine Corps personnel are fully able to accomplish their missions and better protect our nation.

Shipbuilding Highlights

The committee considers the administration's request for shipbuilding to be a step in the right direction for rebuilding the Navy Fleet. This year's budget begins the process of restoring the size and capability of the Fleet to meet the many challenges the nation faces today and tomorrow. The committee has long advocated for reversing the declining trend in Navy force structure and fully authorizes the shipbuilding request for the construction of eight new vessels and advance procurement for several vessels outlined below:

- LPD-17 – Completes funding for the tenth LPD-17, and increases the budget request for advance procurement for the eleventh ship by \$60 million;
- VA-Class Submarine – Authorizes full funding for one VA-class submarine and provides advance procurement for an additional two to be built in FY2011 and each subsequent year;
- T-AKE Class – Authorizes full funding for two T-AKE class ships;
- Surface Combatants – Completes funding for the third and final DDG-1000. Includes multi-year procurement authority for the DDG-51 class and authorizes full funding for one ship in FY10. To obtain savings for the multi-year procurement contract, the bill increases the budget request by \$100 million for economic order quantity material;
- Littoral Combat Ship (LCS) – Restructures the LCS cost cap into a form similar to other cost caps. Additionally, if the Navy is unable to enter into contracts for construction within the cost cap, the Navy is directed to use those funds to complete a technical data package for both vessels which could then be used to bid the construction to other contractors. Authorizes full funding for three LCS vessels;
- Joint High Speed Vessel (JHSV) – Authorizes one JHSV; and
- MPF(F) MLP Vessel—Increases the budget request by \$60 million for advance procurement to continue development efforts in order to reduce risks associated with the current transfer ramp.

Aircraft Program Highlights

Navy and Marine Corps Strike Fighter Inventory

The committee is very concerned about the Navy's shortfalls in the strike fighter aircraft inventory. The committee believes that it is more cost-effective and prudent to procure additional F/A-18E/F strike-fighters than to extend the service life of the legacy fleet of F/A-18A-D aircraft in the upcoming years. The bill includes the following guidance:

- Expects the Navy to enter into a multi-year procurement contract for additional F/A-18E/F and EA-18G aircraft;
- Directs the Congressional Budget Office to evaluate the operational effectiveness and costs of extending the service-life of legacy F/A-18s versus procuring new F/A-18s;
- Provides an increase of \$108 million for advance procurement of items that would be used to build new aircraft beyond FY10; and
- Provides an increase of \$56 million for support items associated with the EA-18G aircraft.

Joint Strike Fighter (JSF)

The committee provides \$6 billion for 28 F-35s, one less aircraft each for the Air Force and Navy than the budget request, but twice the number authorized in FY09. This maintains DOD's desired year-over-year production rate of 1.75. Fifteen F-35Bs are provided for the Marine Corps, four F-35Cs for the Navy and nine F-35As are provided for the Air Force (authorized in the Air and Land Forces Subcommittee).

VH-71 Presidential Helicopter Program

The VH-71 Presidential Helicopter program was terminated earlier this year, and the bill fully funds the budget's request of \$85 million for cancellation costs. The committee supports a new acquisition plan and urges the Secretary of Defense to consider continued procurement of the Increment 1 version of the helicopter to ensure taxpayer dollars are not wasted.

Other Legislative Highlights:

Temporary Reduction in Minimum Number of Operational Aircraft Carriers

The committee authorizes the inactivation of the USS Enterprise after 51 years in commissioned service. This will decrease the number of aircraft carriers in the Navy from 11 to 10 ships during the period between the inactivation of the USS Enterprise in FY13 and the commissioning of the USS Ford in FY15.

Mine Resistant Ambush Protected (MRAP) Vehicles

The bill fully funds the administration's request for \$5.5 billion for these life-saving vehicles. The committee firmly believes that troops preparing for deployment need to train in the same type of vehicle used in combat and the Secretary of Defense is encouraged to use the funds provided to address this critical shortfall and facilitate the fielding of MRAPs for deployment training. The committee also expects the Secretary of Defense to fully fund any increases to the MRAP All-Terrain Vehicle program.

Expeditionary Fighting Vehicle (EFV)

The Department is required to report on improvements to EFV protection against IED threats and vehicle survivability. The committee fully funds the EFV request for \$294 million.

AIR AND LAND FORCES SUBCOMMITTEE

Under the leadership of Chairman Neil Abercrombie (D-HI), the Air and Land Forces Subcommittee conducts oversight of the programs under the purview of the Army and Air Force. Through the \$101 billion authorization for procurement and research and development (R&D), the committee ensures that America's soldiers and airmen are fully equipped to carry out their missions.

Highlights:

- \$1.3 billion to upgrade Abrams tanks and Bradley fighting vehicles;
- \$212 million for M88A2 Armored recovery vehicles, an increase of \$115 million over the request;
- \$134 million for Paladin artillery system product improvement program;
- \$158 million for 53 M777 155mm Artillery pieces;
- \$6 billion for 28 F-35s, one less aircraft each for the Air Force and Navy than the budget request, but twice the number authorized in FY09. This maintains DOD's desired year-over-year production rate of 1.75. 15 F-35Bs are provided for the Marine Corps, 4 F-35Cs for the Navy (authorized by the Seapower subcommittee) and 9 F-35As are provided for the Air Force;
- \$319 million for eight Joint Cargo Aircraft for the Air Force;
- \$430 million for four C-130Js;
- \$879 million for five HC-130J and four MC-130 J aircraft;
- \$437 million for five CV-22;
- \$558 million for Warfighter Information Network – Tactical procurement; and
- \$694 million for Force XXI Battle Command Brigade and Below, \$179 million above the request.

Legislation:

National Guard and Reserve Equipment

Severe equipment shortfalls continue to persist across non-deployed National Guard and Reserve units and could impact their ability to respond to domestic emergencies. To address this, the bill provides \$600 million above the administration's request, for a total of \$6.9 billion. Addressing

these shortfalls continues to be an important focus for the committee so that our nation remains prepared to address any future challenge.

Body Armor

The committee requires DOD to establish specific budget line items within the procurement and research, development, test and evaluation (RDT&E) accounts for body armor. This will improve accountability and increase transparency into long-term investment strategies as well as facilitate the advancement of lighter-weight technologies. Additionally, the committee strongly encourages the standardization of the requirements and test and evaluation processes for body armor.

Enhanced Night Vision Goggles

Production of ENVG has been delayed, the delivery schedule has been postponed and very little FY09 funding has been used for this program. The committee therefore authorizes \$167 million, a reduction of \$200 million, for procurement of night vision goggles.

Non-system Training Devices (NSTD)

The committee provides \$282 million, an increase of \$21 million, for the NSTD program. This Army initiative allows soldiers to train for tasks and missions that would be unsafe to conduct with actual weapons and ammunitions.

Required Acquisition Reports

DOD has yet to deliver required acquisition reports on selected programs, including FCS and WIN-T, so the committee withholds 50% of the R&D funds for these selected programs.

Test Resource Management Center

The bill authorizes the Director of the Test Resource Management Center (TRMC) to obtain the information he needs from the military departments. This authority is identical to that granted to the Director, Operational Test and Evaluation.

Aircraft

F-22 Advance Procurement

The committee provides an increase of \$369 million for advance procurement of 12 F-22s in FY11.

F-22 Modifications

The FY10 budget request contained \$351 million for procurement of modifications to the current F-22 fleet. However, funding was provided in FY09 for the advance procurement of 20 F-22 aircraft, after which the Air Force announced its intention to procure only four aircraft.

Therefore, the committee directs that the FY09 money freed up by this decision be directed towards the requested modifications, with an additional \$13 million authorized by the committee in FY10. This results in a decrease of \$338 million from the FY10 budget request for F-22 modifications.

Joint Strike Fighter (JSF)

The committee has provided increased funding for the competitive engine for the JSF in each of the past three years and is greatly disappointed that the administration chose not to submit funding for this program in its FY10 budget request. In the future, 90% of the fighters in the U.S. inventory will run on the JSF engine. We cannot afford to have an engine glitch that grounds 90% of our fleet.

Accordingly, the committee reduces the overall JSF request by a total of \$464 million and provides an overall increase of \$603 million for the competitive engine program, \$463 million for continued development and \$140 million for procurement. The bill also requires DOD to include funding for the competitive engine program in future budget requests

The committee also includes an increase of \$129 million for Air Force JSF procurement to address a budget shortfall in JSF spares and support equipment, one of the Air Force's top unfunded requirements for FY10.

Finally, the bill fences 25% of R&D funding for the JSF aircraft until DOD submits its 30-year aircraft plan and F/A-18 multiyear procurement reports required by the FY09 NDAA, and obligates all funds for development and procurement of the JSF's competitive engine.

KC-X Aerial Refueling Tanker

The committee authorizes the full request, \$440 million, for the KC-X program and urges DOD to conduct source selection and award a KC-X aerial refueling tanker contract as expeditiously as possible.

Joint Cargo Aircraft (JCA)

The committee expresses concern that the JCA program, originally 78 C-27Js in the Army and Air Force, has been reduced to only 38 aircraft for the Air Force. Therefore, the committee directs the Army and Air Force to provide a report that identifies the new C-27J force structure, basing plans for the C-27J, and future missions for National Guard installations that were previously identified by the services for a C-27J mission. The committee also authorizes the Air Force's request for eight Joint Cargo Aircraft.

Strategic Airlift

The committee includes a provision that requires DOD to maintain a strategic airlift fleet of 316 aircraft, which is the current Air Force program of 205 C-17 and 111 C-5 aircraft. The committee also includes a separate provision that requires the Air Force to provide a report 120 days in advance of any plans to retire additional C-5 aircraft.

Ground Systems:

Future Combat Systems (FCS)

The elements of the FCS program that will continue as separate programs in FY10 are fully funded at \$2.45 billion. The committee provides \$100 million, a reduction of \$327 million, for the termination of the FCS Manned Ground Vehicle program. Given that there are unspent FY09

funds from the FCS program, the committee believes \$100 million in FY10 is sufficient to cover the termination costs.

The committee limits the number of Spin Out Early Infantry Brigade Combat Team equipment sets that can be procured under low-rate initial production to one brigade set. This will ensure that the equipment is fully tested prior to committing to full-rate production.

Additionally, existing law is changed to restrict 75% of FCS R&D funds unless a milestone review report is submitted within four months of a completed program decision review (PDR). Current law only restricts procurement funding.

Army Tactical Radios

The committee limits the Army to procuring only those tactical radios approved by the Joint Tactical Radio System (JTRS) Joint Program Executive Officer (JPEO), or those tactical radios procured to meet an operational needs statement, a joint urgent operational needs statement, or that are commercially available and provide JTRS capabilities. This will ensure that Army tactical radios are compatible with the future JTRS radio network.

Aerial ISR Systems in Iraq and Afghanistan

The committee has advocated for greater numbers of aerial intelligence, surveillance and reconnaissance (ISR) systems in Iraq and Afghanistan to support current operations. The bill requires DOD to study the effectiveness of aerial ISR systems in Iraq and Afghanistan, with an emphasis on the allocation and tasking of these systems. The study should also assess the benefits and tradeoffs of providing control of these systems to commanders on the ground versus centrally controlling individual assets across the theater of operations.

TERRORISM AND UNCONVENTIONAL THREATS AND CAPABILITIES SUBCOMMITTEE

The Terrorism and Unconventional Threats and Capabilities Subcommittee, led by Chairman Adam Smith (D-WA), is responsible for overseeing nearly \$20 billion for Special Operations Command (SOCOM), Science and Technology (S&T), and other areas focused on defending our nation against unconventional threats, and oversees related information technology (IT) programs.

Highlights:

- Provides an increase of \$308 million for SOCOM to support its unfunded priorities list, including improved surveillance capabilities, communication systems, and air and ground vehicle modifications;
- Provides an increase of \$100 million for the Irregular Warfare Support Program;
- Includes provisions to enhance manpower management and improve overall readiness of special operations forces;
- Fully authorizes the budget request of \$1.6 billion for Chemical and Biological Defense programs; and
- Includes a number of provisions to address cybersecurity vulnerabilities.

Special Operations

The committee authorizes \$9 billion, an increase of \$308 million, in order to fully support SOCOM's critical counterterrorism mission. The committee supports SOCOM's efforts to improve its management of and ability to provide for the readiness of special operations forces. The bill enhances SOCOM's efforts to better manage personnel and missions through the following provisions:

- The annual amount of funding provided to DOD to provide assistance to foreign forces, irregular groups or individuals supporting special operations efforts to combat terrorism is increased by \$15 million;
- SOCOM is directed to report on its current organization, manning, management, and interagency programs;
- The services are required to coordinate personnel management policy and plans affecting special operations personnel with the SOCOM commander in order to better manage and mitigate concerns across the entire special operations community;

- DOD is directed to develop a plan to address inadequate levels of ISR resources provided to theater special operations forces relative to that provided to other special operations forces; and
- Revises the statute governing special operations activities to accurately reflect current mission requirements of Special Operations Command. This revision places greater emphasis on unconventional warfare, irregular warfare, counter-terrorism, and counter-insurgency to address the current security and regional stability environment.

NATO Special Operations Coordination Center

The committee authorizes \$30 million, an increase of \$10 million, for the operations and maintenance of the NATO Special Operations Coordination Center (NSCC). This will help strengthen the common special operations structure within NATO.

Irregular Warfare

Irregular Warfare Support Program

The committee authorizes \$100 million for the Irregular Warfare Support Program. This program is well positioned to conduct successful irregular warfare and counterinsurgency programs against hostile human networks.

Rewards for Combating Terrorism

The current authority for the Secretary of Defense is extended to offer and make rewards to a person providing information or nonlethal assistance to U.S. government personnel or government personnel of allied forces in support of countering terrorism.

Independent Assessment of Human Terrain System (HTS)

In light of varied reports on the effectiveness and usefulness of HTS or the benefits of the HTS, the committee directs DOD to conduct an independent assessment of the system, including related technology development efforts.

Organic Social Science Expertise

The committee encourages DOD to increase social science expertise within the military departments by supporting advanced degrees for service members and expanding faculty positions in military colleges in key disciplines, such as anthropology, social psychology, and sociology.

Science and Technology

Non-lethal Weapons Development

The committee directs DOD to report on its requirements for non-lethal weapons. These types of weapons play a valuable role in the conduct of future missions, including combating piracy, avoiding unintended civilian casualties and making greater effort towards support and stability operations and humanitarian missions.

Biometrics-Enabled Intelligence

The bill directs DOD to report on its progress in developing a framework for operational and strategic analysis of biometrics-enabled intelligence. The committee is concerned DOD is not maximizing the benefits of this type of intelligence to fight threats that transcend geographic boundaries.

Research Capacity for Minority-Serving Institutions

The committee requires DOD to establish a program to enhance the capability of minority-serving institutions to perform research that is vital to national defense.

Improving DOD's Research and Development Capabilities

The bill contains provisions that provide the department with greater authority to improve the health of its research and development enterprise, particularly its science and engineering workforce and laboratory infrastructure. These authorities will ensure that the U.S. maintains its technological preeminence on the battlefield.

Advanced Energetics

The committee requires the Secretary of Defense to establish an executive agent for advanced energetics. Global advances in new energetic material research and development pose a potential national security risk.

Energy Storage Device Requirements and Investments Coordination

In FY09, the committee directed DOD to create a strategy for the 500+ battery-related programs and thousands of devices used by the military that rely on batteries. As a follow-up, the committee directs GAO to assess the department's coordination with the private sector on developing future energy storage devices; whether there is a need for further standardization of these devices; and if there have been commercial advances in energy storage technology that could be better leveraged.

Chemical and Biological Defense Programs

The committee fully funds the President's budget request for the chemical and biological defense program (CBDP). The CBDP includes funding for both the procurement and research and development of defense capabilities to protect our forces and our nation from chemical and biological threats.

Strategy for Combating Weapons of Mass Destruction (WMDs)

The committee directs GAO to assess DOD's counterproliferation activities, including a study of the working definitions of WMD and counterproliferation and if necessary, make recommendations that might help in development of clearer guidance at the strategic level. Additionally, the committee repeals the Counterproliferation Program Review Committee because it is resource-intensive and ineffective.

Strategic Communications

Strategic Communications Workforce Analysis

The committee directs DOD to submit a report on the assessment of its strategic communications workforce, including an evaluation of the critical skills and core competencies needed to achieve its objectives

Military Public Diplomacy Report

The committee directs DOD to report on the planning for and execution of military public diplomacy, including a description of all of the activities within the department, services and defense agencies that might fall within the scope of military public diplomacy.

Financial Management

Assessment of Defense Information Technology Systems for Financial Management

The committee is concerned about the continued lack of progress in implementing sound information technology (IT) systems for financial management. DOD is directed to conduct an independent analysis of these systems to determine if there is overlap in capabilities currently in development, and how well these programs are able to adhere to cost and schedule.

Implementation of the Defense Agencies Initiative

The committee supports the implementation of an enterprise resource planning (ERP) system to improve financial management and directs all defense agencies participating in the initiative to begin the process of auditing their financial data.

STRATEGIC FORCES SUBCOMMITTEE

Under the guidance of Chairman Ellen Tauscher (D-CA), the Strategic Forces Subcommittee oversees the strategic national security interests of our nation. The authorization for fiscal year 2010 includes appropriately \$36.4 billion in strategic programs, including \$9.3 billion for missile defense, approximately \$11 billion for military space programs, and \$14.3 billion for Department of Energy Atomic Energy Defense Activities, excluding nuclear non-proliferation programs.

Highlights:

- Increases funding for the National Nuclear Security Administration's Stockpile Stewardship Program by \$152 million;
- Creates the Stockpile Management Program to support stockpile stewardship and provide guidance for weapons work;
- Fully funds the administration's request of \$9.3 billion for missile defense programs;
- Increases funding for the critical Aegis BMD and THAAD systems by \$900 million over the FY2009 funding levels;
- Adds funding to the request for Department of Energy intelligence programs for tracking and analyzing nuclear activities of rogue states; and
- Increase funding for Operationally Responsive Space by \$23 million.

Nuclear Weapons

Stockpile Stewardship Program

The committee has long supported the Stockpile Stewardship Program and continues to back the program in this year's bill by increasing funding by \$152 million. In particular, the committee is focused on helping to sustain and strengthen the science backbone of the stewardship program. The bill addresses several recommendations made by the Congressional Commission on the Strategic Posture of the U.S., particularly those designed to improve the intellectual capability and scientific and technical elements of the SSP.

The bill clarifies two broad objectives of the Stockpile Stewardship Program:

- to ensure that core intellectual and technical competencies are maintained; and
- to ensure the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.

In addition, the committee creates the **Stockpile Management Program** in place of the Stockpile Life Extension and Reliable Replacement Warhead programs. The program requires that changes to the nuclear weapons stockpile may be made only if they:

- Increase the reliability, safety, and security of the stockpile;
- Further reduce the need for nuclear weapons testing; and
- Reduce the future size of the nuclear weapons stockpile;

The new program further requires that any stockpile changes must:

- Remain consistent with basic design parameters;
- Include well understood components that can be certified without weapons testing; and
- Fulfill current military requirements.

Finally, the committee amends the existing requirements for an annual plan for the Stockpile Stewardship and Management Programs to require:

- An assessment of the adequacy of the capabilities and workforce needed to execute the programs; and
- An independent peer review in the annual assessment and certification process.

Missile Defense

The bill fully funds the administration's request of \$9.3 billion for missile defense programs, and provides our warfighters the resources necessary to meet the most pressing ballistic missile threats to the United States, our deployed forces, and our friends and allies. The bill increases funding for proven missile defense system Aegis BMD and THAAD systems by \$900 million over the FY09 funded level, to provide combatant commanders increased capabilities to meet their stated warfighting requirements.

The committee fully funds the administration's request of:

- \$1.8 billion for Aegis BMD;
- \$1.1 billion for THAAD; and
- \$1.3 billion for Army missile defense programs, including the Patriot system.

Theater Missile Defense Force Structure and Inventory

The committee supports the administration's decision to increase funding for the THAAD and Aegis Ballistic Missile Defense programs by \$900 million over FY09 funding levels. Under the revised plan, the SM-3 interceptor inventory will grow from 133 to 329, and the THAAD interceptor inventory will grow from 96 to 287. This decision represents an important milestone in providing the warfighter with real capabilities necessary to defend against real threats to the U.S., its deployed forces, and friends and allies around the world. Our commanders on the

ground have been calling for these capabilities to confront existing threats, and the committee is pleased the administration is listening to their requests in order to better defend U.S. interests and allies overseas.

Ground-based Midcourse Defense (GMD) Program

The committee recommends that the nation deploy 30 operationally-effective GMD interceptors to counter emerging threats from rogue nations, as recommended by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. Additionally, the committee authorizes over \$1 billion to test, sustain, and improve the existing GMD system, and has included a provision requiring the department to develop a long-term sustainment and modernization program for that system.

Airborne Laser Program (ABL)

The committee continues to have concerns about the operational effectiveness, suitability, survivability, and affordability of the ABL program, but supports continued research and developments. The committee provides \$186.7 million, the amount of the budget request, for the ABL program.

European Missile Defense Sites

The committee permanently extends the prohibition of deployment of long-range missile defense interceptors in Europe until DOD certifies these interceptors will be operationally effective and have the ability to accomplish the mission. The committee also stands by its previous provision requiring Poland and the Czech Republic to ratify the missile defense agreements before any construction can occur. As of now, neither country has done so.

The committee does provide DOD the authority to develop an integrated defense alternative to the proposal to base long-range missile defense interceptors in Europe. The new proposal should evaluate what system will best addresses emerging threats, which are primarily from short- and medium-range missiles.

U.S.-Israel Cooperative Program

The committee increases funding for the U.S.-Israel Cooperative short-range missile program, known as “David’s Sling,” by \$20.5 million, in order to provide Israel with the enhanced ability to defend itself against potential threats

Arrow-3 Program

The committee requires a report from the Secretary of Defense assessing whether the Arrow-3 system is meeting the technical and schedule-related milestones that will be included in the U.S.-Israeli Arrow-3 project agreement. The report must also include a discussion of alternative paths, to assist Israel in developing an upper tier missile defense capability should Arrow-3 not be able to meet its agreed schedule and knowledge points.

Military Intelligence

The committee adds funding to the administration's request for Department of Energy intelligence programs to ensure we have the proper resources to track the nuclear activities of rogue states, such as North Korea.

Nuclear Intelligence Analysis Capabilities

In light of North Korea's recent nuclear test, the committee requires the Department of Energy to develop a plan to ensure our national security laboratories have sufficient funding and technical abilities to monitor, analyze and evaluate foreign nuclear weapons activities.

Foreign Ballistic Missile Intelligence

The committee requires the Department of Defense to assess gaps in U.S. intelligence for foreign ballistic missile programs and prepare a plan to ensure our intelligence centers have sufficient analytical capability to address these shortfalls.

Military Space Programs

In this year's bill, the committee:

- Increases funding for Operationally Responsive Space by \$23 million;
- Reduces funding by \$59 million for the High-Integrity Global Positioning System;
- Reduces funding by \$20 million for Third Generation Infrared Surveillance; and
- Reduces funding by \$88 million for the Evolved Expendable Launch Vehicle, to reflect the need for one fewer launch vehicle in FY 2010.

Space Science and Technology Strategy

The committee requires DOD to annually submit a space science and technology (S&T) strategy when the budget is delivered to Congress.

Operationally Responsive Space

Our commanders on the ground have been calling for increased ISR resources to assist with current operations, so the committee provides \$136 million, an increase of \$23 million, for Operationally Responsive Space. These funds are directed to remaining development and launch costs for ORS Satellite-1, an Air Force unfunded requirement.

Restructuring the NPOESS Program

Military commanders and civilian government agencies require access to accurate and timely weather information. Given the cost and schedule problems encountered by the National Polar-orbiting Operational Environmental Satellite System (NPOESS) program, the committee directs DOD, in consultation with the National Oceanic and Atmospheric Administration (NOAA) and NASA, to evaluate options for restructuring the program.

Military Satellite Protected Communications

With the cancellation of the Transformational Satellite Communications (TSAT) program earlier this year, the committee is concerned that DOD lacks an effective strategy for providing protected communications. The bill directs DOD to plan a strategy addressing military requirements for military communication satellites that takes into account the fragility of the industrial base.

Space Surveillance Data

In an effort to reduce potential satellite collisions with space junk, the committee makes permanent the Air Force pilot program for sharing space surveillance data with state governments, U.S. and foreign commercial entities, and foreign governments.

Defense Environmental Management

The committee authorizes approximately \$5 billion for Defense Environmental Cleanup. This authorization level reflects a reallocation of just over \$100 million from cleanup to the NNSA's Stockpile Stewardship Program (SSP). The committee believes that the infusion of \$5.1 billion provided for cleanup by the American Recovery and Reinvestment Act has left the cleanup program better resourced to manage risks than the SSP. By addressing funding shortfalls in the SSP, the committee seeks to better balance risk across Department of Energy national security programs.

Consideration of Life-Cycle Cleanup Costs

The committee directs GAO to review Department of Energy policies to ensure that final disposition costs are considered during the early phases of project planning. The committee believes that early consideration of final disposition measures will help DOE reduce, lifecycle costs for nuclear facilities.

Defense Nuclear Waste Disposal

The President has indicated that he does not believe Yucca Mountain is a suitable site for a permanent nuclear waste repository. However, \$7.7 billion has been invested in the site since 1987 and it remains the only site designated by law for long-term nuclear waste disposal. The committee is concerned that the delayed opening or shut-down of the site would have an adverse impact on defense environmental cleanup activities. The Secretary of Energy is expected to convene a panel on potential alternative disposal sites for nuclear waste, and the committee urges this panel to dedicate time to the specific challenges of defense nuclear waste, which accounts for about 10% of total U.S. nuclear waste. The committee authorizes the full amount, \$98 million, for defense nuclear waste disposal.

MILITARY PERSONNEL SUBCOMMITTEE

Led by Chairwoman Susan Davis (D-CA), the Military Personnel Subcommittee authorizes \$135.7 billion, in addition to \$26.9 billion for the Defense Health Program, to meet the needs of our service members and their families. In fiscal year 2010, the subcommittee has focused its effort on providing health benefits and taking care of our military families.

Highlights:

- Authorizes a pay raise of 3.4% for our troops;
- Authorizes an additional 30,000 increase in active duty end strength for the Army in FY11 and FY12;
- Establishes a monthly compensation allowance for catastrophically injured service members so they can receive assistance tasks of daily living;
- Requires DOD to review the standards used to calculate the monthly rates for basic allowance for housing;
- Directs DOD to provide health professional scholarships for students pursuing degrees related to mental health care; and
- Establishes a DOD school of nursing.

Size of the Force

End Strength

The committee is pleased the administration's budget request included a permanent increase in the authorized end strength for the Army and Marine Corps, and therefore authorizes the administration's full request for each service and provides the authorization for an additional 30,000 increase in active duty end strength for the Army in FY2011 and FY2012. The committee also commends the Secretary of Defense for including the increase in active duty end strength in the base budget.

Military to Civilian Conversions

The committee has long advocated for restoring the positions that were converted from military to civilian within the military medical community and is pleased that DOD has finally done this. Given the increased demand for mental health services, the committee urges the services to consider utilizing a portion of these restored positions to recruit and retain mental health providers.

The committee also continues to prohibit further conversion of medical and dental positions from military to civilian.

Military Pay and Bonuses

Military Pay Raise

The committee authorizes a pay raise of 3.4%, an increase of 0.5% above the budget request. This further reduces the gap in pay increases between the uniformed services and the private sector to 2.4%.

Monthly Compensation for Service Members with Combat Related Catastrophic Injuries

The committee establishes a monthly compensation allowance for members with combat related catastrophic injuries or illnesses so they can receive assistance from a non-medical attendant with the daily functions of life such as eating, dressing and hygiene.

Special Pays and Bonuses

The committee extends special pays and bonuses for a wide variety of groups and services, including reenlistment, referrals and critical wartime specialties such as mental health professionals and nurses. The committee also provides benefits to reserve members who met eligibility requirements for the Post-Deployment/Mobilization Respite Absence program but were denied benefits due to an administrative error.

Limit on Collection of Overpayment

The committee limits the collection of pay and allowance overpayments that result from administrative error.

Health Care Benefits

Medical Examination before Separation of Service Members with PTSD or TBI

The committee requires a medical examination by a healthcare professional before a service member who has been deployed overseas in support of a contingency operation and diagnosed with either PTSD or TBI can be involuntarily separated under other than honorable conditions.

Travel Benefits for Wounded Service Members

The committee authorizes service members to designate three persons, including people that are not family members, to be provided transportation during any two month period to visit them while they're hospitalized. Additionally, for seriously injured service members who must travel for treatment, travel benefits are authorized so they can have a non-medical attendant assist them.

Extended TRICARE Eligibility for Reserve Members

The committee extends TRICARE eligibility to reserve members so they can now receive full TRICARE coverage 180 days before they go on active duty. Previously, reserve members were only eligible 90 days before they went on active duty.

Expanded TRICARE Dental Coverage

The committee expands the eligibility under the TRICARE dental program for the survivor of a service member who dies on active duty to correspond with their eligibility under the TRICARE medical program

Preventing Injuries

Research on injury prevention has shown that training tailored to the tactical tasks service members perform while in combat can reduce the number of incurred injuries. The bill directs DOD to conduct a comprehensive study to determine which aspects of this research are ready for inclusion in conventional combat training and what additional research is needed.

Tracking of Blast Exposures

The committee directs DOD to establish a database to track long-term blast exposures across all the services. This database will help determine the appropriate care for individuals with traumatic brain injury or exposure to contaminants and may help with long term treatments.

DOD Nursing School

The committee directs DOD to establish a school of nursing. This will help alleviate the shortage of nurses our military currently faces.

Meeting the Health Care Needs of Military Families

Providing for the needs of our military families is a priority for the committee, so the bill directs DOD to report on their health care needs.

Mental Health Care

Increasing the Number of Military Mental Health Providers

The committee remains concerned about the shortage of military mental health providers and notes the nation as a whole suffers from a lack of these providers. The department is required to identify what legislative authorities are needed to develop additional DOD training programs to assist service members with becoming licensed mental health providers.

Scholarship Programs for Mental Health Professionals

The committee directs DOD to provide scholarships to students pursuing a degree in social work, clinical psychology, psychiatry or other disciplines that contribute to mental health programs. The bill also increases by 300 the total number of health profession scholarships offered by the department.

Post-Traumatic Stress Disorder (PTSD) Efforts Report

Currently, research and treatment efforts for PTSD are disjointed between DOD and the Department of Veterans Affairs. The committee therefore requires a joint report from the departments itemizing current PTSD treatments, ongoing research and areas for future exploration, and encourages both departments to collaborate on work in this.

Family Support Programs

The committee fully supports the President's decision to increase funding for family support programs by \$263 million over the FY09 budget request, for a total of \$2.1 billion. These programs are critical to supporting our military families as they endure year of year of having a loved one deployed overseas.

Military Spouses Internship Pilot Program

The committee establishes an internship pilot program for military spouses to obtain employment with federal agencies and departments in order to provide them with opportunities in careers that are portable as they move with their military spouse from station to station.

Impact Aid

The committee provides \$50 million to assist local education agencies providing support to military children, with an additional \$15 million for those heavily impacted by force structure changes and BRAC.

Report on Housing Standards

The committee requires DOD to review the standards used to calculate the monthly rates for basic allowance for housing to determine if the current standards are meeting the needs of today's military families.

Increase in Maximum Leave Days Accumulation

The committee extends the temporary increase in the maximum number of leave days a member may accumulate and carryover from one year to the next.

Motor Vehicle Transportation

The committee authorizes an additional privately-owned vehicle to be shipped to nonforeign overseas locations to assist military families with transportation needs.

Shipping Allowance for Household Items

The weight allowances for shipment of household items to be transported between assignments for service members in the grades of E-5 through E-9 are increased.

Reducing Domestic Violence in Military Families

The committee directs GAO to review and assess the progress DOD has made in implementing recommendations to reduce domestic violence incidents. The committee believes more needs to be done to reduce domestic violence within military families.

Additional Provisions

Sexual Assault

Stopping sexual assault is a significant priority. The committee believes DOD must take all necessary actions to prevent sexual assaults from occurring and must fully investigate and prosecute any such incidents. GAO is directed to report on the capacity of each of the services to investigate and adjudicate allegations of sexual assault. The department is also required to develop a sexual assault prevention program and must report on its ability to conduct investigations in a combat zone. Finally, DOD must inform a service member protected by a military restraining order that she or he has the right to request moving to a different base.

Termination of Personal Service Contracts

The committee enhances the protections provided to our troops from personal contract violations by increasing the types of services a member being deployed can terminate without paying high

termination fees. These personal service contracts include those for cellphones, telephones, cable, and internet.

Awarding the Purple Heart for Traumatic Brain Injuries

The committee directs DOD to conduct a review of the policies and procedures for determining eligibility and awarding the Purple Heart to service members who sustain traumatic brain injury due to enemy action.

Addressing the Shortage of Company Grade Officers

The committee requires DOD to conduct a comprehensive study and make recommendations on how to resolve company grade officer shortages within the Army National Guard and Army Reserve.

JROTC Increase

The committee increases funding for JROTC programs by nearly \$26 million. This will help the services increase the number of JROTC units to meet the goal of 3,700 by 2020 as required by the FY09 NDAA.

Improved Accounting for Missing Members of the Armed Forces in Conflicts

The committee requires DOD to increase its efforts to locate and identify missing persons from all conflicts beginning with World War II by: implementing a more comprehensive and fully resourced program to account for missing persons, establishing a personnel file for each unaccounted person and increasing the annual number of those identified to 200 within five years and 350 within ten years.

Language Training Centers

The committee creates a pilot program that establishes language training centers at universities, and senior military colleges and other higher education institutions to create the critical strategic language and regional area expertise for members of the armed forces and DOD civilian employees.

Medical Care Provided by the Military for Contractors in Combat Zones

Many contractor personnel receive care in military medical facilities in Iraq and Afghanistan but are not reimbursing the U.S. government for such care. The committee recommends DOD require a medical treatment clause in all current and future contracts for services provided in combat zones that does not require billing activities by military medical personnel.

Defense Health Programs IT

The committee is troubled by the difficulties the department continues to experience with its health information management and technology systems. The committee will provide comprehensive and vigorous oversight of how the Department of Defense is using its Health Information Technology funds to ensure that the department lives up to its promises and obligations to provide an adequate Health IT system for our wounded warriors, men and women in uniform, retirees, and their families.

GENERAL POLICY PROVISIONS

Quadrennial Defense Review

The Quadrennial Defense Review (QDR) plays an important role in Congress' development of national security priorities. The requirements for the QDR are described in law, but in the past, the department has not closely adhered to those guidelines. As a result, the committee wants to encourage the department to focus this QDR process on developing a product consistent with Congressional intent. Therefore, the bill:

- Directs GAO to assess the degree to which DOD is following the law during its QDR process. If GAO determines the department is deviating from the statutory requirements, DOD is required to report on why this is the case.
- Creates a congressionally-appointed National Defense Panel to conduct an independent review of the QDR's effectiveness and issue recommendations on how to improve the decision making process for determining national security objectives.
- Requires the department to submit a report on the force structure requirements used to guide the QDR process. This report is to be submitted along with the QDR and may be classified.

Strategic Review of Basing Plans for EUCOM

DOD is required to submit a report with the QDR that describes the plan for basing forces in Europe. The committee also requires the department to notify Congress at least a month prior to permanently relocating a unit stationed outside the U.S.

Combating Piracy

Our ability to project power globally is critically linked to our presence on the seas, the strength of our Navy and our commitment to keeping the lanes of trade and communications open. Piracy is a non-traditional threat, but goes to the heart of American national security and economic interests. The committee has closely monitored increased piracy activity over the past years and will continue to stay engaged on this critical issue.

Piracy Around Somalia

The committee remains very concerned about piracy off the coast of Somalia. Possible links between these pirates and other criminal, extremist or terrorist groups are particularly troubling. While the efforts of the U.S. Navy and its international partners have succeeded in stopping a number of attacks, DOD needs a strategy for dealing with the involved organizations ashore in Somalia. As long as the individuals responsible for organizing the attacks retain their safe havens, the problem will grow into an even greater national security risk for the U.S. and its allies.

The bill directs DOD to report on the short and long term strategies for combating piracy off the coast of Somalia, as well as its strategy for dealing with the parent organizations ashore in that country.

Defense Measures Against Unauthorized Seizures of Vessels

The committee requires vessels carrying DOD cargo in areas designated at high risk of piracy, to be equipped with appropriate non-lethal defense measures to protect the vessel from seizure.

Non-lethal Weapons Development

The committee directs DOD to report on its requirements for non-lethal weapons. These types of weapons play a valuable role in the conduct of future missions, including combating piracy, avoiding unintended civilian casualties and making greater effort towards support and stability operations and humanitarian missions.

Iraq Policy

Employment for Resettled Iraqis

In FY09, the committee provided DOD and the Department of State the authority to jointly establish a temporary program to offer employment to Iraqis with special immigrant visas as translators, interpreters or cultural awareness instructors. Many of these recipients worked on behalf of coalition forces at great risk to themselves or their families and the committee urges the Secretaries of Defense and State to work as quickly as possible to start this program.

Report on Responsible Redeployment of U.S. Forces from Iraq

The committee requires the Secretary of Defense to submit a report on the responsible redeployment of U.S. forces out of Iraq. The report will assist the committee in monitoring the status of the redeployment by including the number of military personnel in Iraq; how much equipment has been removed; and any changes to the pace of the redeployment out of Iraq.

Theater Equipment Disposal

Many pieces of U.S. military equipment remain in Iraq as we drawdown our troops, but DOD's decision-making process regarding the equipment's disposal is unclear. The bill directs DOD to report on its plan to prioritize whether this equipment should be brought back to the U.S. for training purposes, or distributed to foreign militaries such as Iraq or Afghanistan.

Government Mentors for Afghanistan and Iraq

The committee is concerned that the effort to provide advisors to the Government of Afghanistan has not been well coordinated. The bill provides DOD the authority, together with the Department of State, to provide mentors to advise senior civilian and military officials in Afghanistan and Iraq.

Planning for Logistical Challenges in Iraq and Afghanistan

The department will face an array of challenges as it begins to drawdown forces in Iraq and increase troop levels in Afghanistan. It is critical that DOD develop sound plans and the bill directs the department to report on how it is prioritizing resources, such as ISR capabilities and engineers, between the two efforts.

GAO Assessment of Campaign Plans for Iraq and Afghanistan

The committee directs GAO to submit separate assessments of the strategic plans for Iraq and Afghanistan. These reports are an important aspect of congressional oversight.

Prohibition on Permanent Bases in Iraq

The committee prohibits the use of funds to establish permanent bases in Iraq and prohibits U.S. control of Iraqi oil revenues.

Sharing the Cost Burden Sharing

The committee continues the prohibition on the use of funds provided for the Iraq Security Forces for the construction of facilities for the Government of Iraq.

Foreign Nations

Annual Report on Military Power of Iran

The committee requires DOD to submit an annual report on the current and future military strategy of Iran, including assessments of Iran's conventional and unconventional capabilities, missile forces and nuclear capabilities.

North Korea

North Korea's recent nuclear test and missile launch activities remain a serious concern. The committee supports actions by the U.N. Security Council and the administration, which condemn North Korea's reckless behavior and urge North Korea to abandon its pursuit of WMD and their means of delivery. The committee will continue to carefully monitor the security situation on the Korean peninsula and encourages DOD to keep the committee fully informed of any significant developments.

China

The committee expands the scope of the department's annual report on China's military power to include information on U.S. engagement and cooperation with China on a range of security matters including counterterrorism, counter-piracy, nonproliferation and maritime safety. In addition, the committee requires a comprehensive and coordinated strategy for U.S.-China military-to-military contacts.

Patriot Air and Missile Defense Battery in Poland

The committee directs DOD to deploy an Army Patriot air and missile defense battery, and the necessary personnel to Poland by 2012. This is consistent with a strategic cooperation agreement between the U.S. and Poland.

Expansion of U.S.-Russian Joint Center to Exchange Missile Defense Data

The committee permits DOD to expand the U.S.-Russia joint center for the exchange of data from early warning systems for launches of ballistic missiles to include the exchange of information on missile defense-related activities. The center was originally established by the FY01 NDAA.

Cooperative Security Location in Colombia

The bill prohibits any funds from being used to start construction of a Cooperative Security Location in Palanquero, Colombia until the department certifies that an agreement has been reached with Colombia that does not hinder Southern Command from executing its counter-narcotics strategy for the region. Additionally, the committee prohibits permanently stationing U.S. forces in Colombia.

Plan Colombia

The committee reauthorizes for one year the counter-drug and counter-terrorism campaign, commonly known as “Plan Colombia,” and includes the troop cap.

Counter-Narcotics (CN) Policy

In keeping with the President’s objectives to avoid waste, fraud and abuse across all government programs, the committee encourages DOD to develop metrics to analyze the effectiveness of CN activities. This will help both the department and the committee evaluate how to best allocate CN funding in the near future.

European Command (EUCOM)

The committee also reduces the request for EUCOM’s counter-narcotic activities by \$5 million for a total authorization of approximately \$4 million, representing a modest 2% increase over FY09 funding levels. The administration’s request to increase CN funding for EUCOM is not necessary now that it is no longer responsible for CN efforts in Africa.

Northern Command (NORTHCOM) and Southern Command (SOUTHCOM)

An additional \$5.6 million is provided to NORTHCOM and SOUTHCOM to assist Mexico’s and Belize’s border security forces and upgrade border posts in these countries and Guatemala to address the influx of illicit narcotics into Mexico via its southern border. DOD estimates approximately 80% of cocaine consumed in the U.S. enters Mexico through its southern border and nearly 90% of cocaine entering Guatemala is subsequently shipped into Mexico.

Pakistan

Pakistan’s status as a major transit country for opiates and other narcotics remains a concern to the committee, particularly since the profits from the drug trade help finance the Taliban and fuel the insurgency in Afghanistan. A significant percentage of opiates that are exported from Afghanistan pass through Pakistan. The committee believes DOD needs to improve its plan and allocate CN resources more appropriately to better address this trafficking threat. The department is encouraged to keep the committee informed of its progress in this region.

Training and Equipping Authority

The bill fully funds the administration’s request of \$350 million for training and equipping the military forces of friendly nations. Although the administration asked for additional authorities to specifically train and equip foreign partners for participation in ongoing operations in Iraq and Afghanistan, the committee believes the current ones are sufficient.

Detainee Transfer

Detainees are prohibited from being transferred without the President first presenting a plan on what danger the detainees pose to the U.S., its territories, and possessions, how the President plans to mitigate this risk and what will happen to individual detainees. The President must consult with state governors, the Mayor of D.C., or the chief executives of the territories or possessions on the proposed transfers to their localities.

Joint Improvised Explosive Device Defeat Organization (JIEDDO)

Due to the nature of its work, the Joint Improvised Explosive Device Defeat Organization (JIEDDO) has to respond to rapidly changing requirements from combatant commanders to counter the threat of IEDS. While the committee recognizes this fact, it also believes the organization has become sufficiently mature and established to plan for continuing costs. Therefore, a portion of the requested funding is fenced until JIEDDO provides sufficiently detailed information about its budget. The Secretary of Defense may waive this provision if he determines there is a critical need for the funding by military forces deployed overseas. The bill also directs a portion of this year's funding to specific budget lines in order to increase transparency into JIEDDO's activities and facilitate congressional oversight of the program.

The committee supports JIEDDO's decision to increase its support for disrupting human networks that use IEDs to attack U.S. and coalition forces in overseas contingency operations. However, the committee believes the Irregular Warfare Support (IWS) program is better positioned. Accordingly, the bill authorizes \$1.4 billion, a reduction of \$100 million, for JIEDDO. An extra \$100 million is provided to the IWS program, for this purpose.

Industrial Base

Strategic Materials

The FY07 NDAA established the Strategic Materials Protection Board within DOD to determine which materials are critical to national security and create a strategy for those instances where the U.S. does not have a domestic source of such materials. The committee is concerned the Board's most recent definition of what constitutes a "strategic material" is too limited because currently only one item meets the requirement. The committee also believes that DOD has adopted inappropriate definitions in a proposed rule relating to the procurement of specialty metals that could result in purchases that don't comply with the law. The committee therefore urges the Board to revisit these definitions immediately, and report back addressing the committee's concerns

Aircraft Industrial Base

In support of the requirement for competitive acquisition strategies in the recently passed Weapon Systems Acquisition Reform Act of 2009, the committee remains concerned about the continuing ability of the military aircraft industrial base to competitively design, engineer, produce and support military aircraft. A recent March 2009 DOD report on industrial capabilities indicated that planned reductions in DOD's investment in R&D for aircraft could lead contractors to exit aircraft-related defense business sectors. The committee directs DOD to commission an independent study of the military aircraft industry to analyze these issues.

Aircraft Retirements

The committee prohibits DOD from retiring any fighter aircrafts and moving the people assigned to those missions until a report is submitted outlining:

- How the capability gap caused by the retirements will be filled;
- What will be the follow-on mission for each affected base;

- Where the individuals assigned to those missions will be sent;
- What the analysis was behind the decision to select these specific aircraft; and
- What will happen to the aircraft after retirement.

Additionally, the bill fences all the money authorized for these aircrafts until the report is completed.

DOD Energy Management

In last year's bill, the committee established a DOD Director for Operational Energy Plans and Programs to address the energy needed for military operations. This year's bill clarifies the committee's intent that the director report directly to the Secretary of Defense. The committee also provides him or her with \$5 million to carry out the duties of the office. The director is expected to work with the combatant commanders and military services to help enable forces in forward-deployed locations to reduce their fuel demands while enhancing operational capability.

Prohibition Relating to Propaganda

The committee prohibits DOD from engaging in propaganda activities except as otherwise authorized by law. The term "propaganda" includes materials such as editorials or other articles prepared by an agency or its contractors at the behest of the agency and circulated as the position of parties outside the agency.