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RESTORING READINESS

Size of the Force

End Strength

Authorizes the administration's full request to increase the size of the military by 30,000 Army troops, 8,100 Marines, 14,650 Air Force personnel, and 2,477 Navy sailors in Fiscal Year 2010, as requested by the President, and authorizes an additional 30,000 Army troops in Fiscal Years 2011 and 2012.

Military to Civilian Conversions

Prohibits further conversions of military medical and dental positions to civilian positions.

Grow the Force Funding

Authorizes \$1.9 billion for Marine Corps' Grow the Force funding, and \$1.1 billion for Army Grow the Force funding.

Army Training

Provides \$4.7 billion for training opportunities for the Army.

Equipment

Equipment Reset

Authorizes \$11 billion for Army reset and \$2 billion for Marine Corps reset.

National Guard and Reserve Equipment

Adds \$600 million, for a total of \$6.9 billion, to address equipment shortfalls in the National Guard and Reserves.

Prepositioned Stocks

Authorizes \$255.3 million to increase our overall preparedness for any future contingencies.

Naval Aviation Depot Maintenance

Authorizes \$70 million in additional funding, for a total of \$5.4 billion, to address the Navy's unfunded aviation depot maintenance priority, which will help improve the readiness of our Navy to meet current and future threats.

Condition-Based Maintenance Pilot Program

Authorizes a 12-month condition-based maintenance demonstration project on tactical wheeled vehicles and surface combatant ships. Condition-based maintenance is performed on evidence of need, rather than at fixed time intervals. The demonstration program is aimed at improving reliability and assessing if the cost to maintain equipment could be substantially reduced.

Inventory Management

Requires the Secretary of Defense to develop a comprehensive plan for improving its spare parts inventory management systems, with the objective of reducing the cost of storing weapon system spare parts that have no identified requirement associated with them.

Product Support and Life-cycle Management

Requires the Secretary of Defense to develop comprehensive strategies for supporting and sustaining weapon systems throughout their life cycles. DOD estimates that operations and support costs constitute more than 60 percent of the total life-cycle cost of a DOD weapon system. Also creates the position of product support manager for each weapon system and gives that person – a government employee – responsibility for developing and managing cost-effective support strategies using resources from both the public and private sectors.

Infrastructure

Military Barracks and Facilities Construction

Adds \$350 million for Army barracks construction and \$200 million to support National Guard and Reserve facilities and infrastructure.

Army Ammunition Plant Infrastructure

Directs DOD to assess what is needed to improve the Army ammunition plants' emergency response capabilities and other critical physical security deficiencies in order to be prepared to respond to a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident.

Base Realignment and Closure (BRAC)

Funds the 2005 BRAC account at \$7.4 billion. Also adds \$100 million to the accounts of BRAC projects prior to 2005 to help address environmental issues.

Economic Development Conveyance

Removes the requirement for DOD to seek fair market value for bases closed by BRAC 2005. Provides broad discretion to DOD to accelerate the reuse of closed properties.

Economic Development Conveyance is designed to help local communities purchase and redevelop former DOD properties that have been closed by the base closure process. Overall, this provision will encourage local communities to invest in economic development projects, promote job creation, and allow DOD to generate value from properties that are no longer in use.

Guam Buildup

Includes the following provisions in the bill to help address concerns about the buildup of U.S. forces on Guam and restructuring on Okinawa, Japan:

- 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 \$446 million for a military hospital on Guam.
- Provides additional oversight of the H2B visa program and ensures that United States construction workers are provided additional notice as to construction opportunities on Guam.
- 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 the Secretary of Defense reports that the replacement facility is consistent with naval aviation safety requirements.

National Defense Stockpile and Strategic Materials

Requires the Secretary of Defense to submit to Congress a report on any planned actions to reconfigure the management of the National Defense Stockpile, as a step toward ensuring the current and future availability of strategic and critical materials (e.g., manganese, tungsten, rhenium, or beryllium) for the production of weapons systems critical to national security.

Addresses an industrial resource shortfall in the production of high-quality beryllium for defense systems by increasing the threshold of support under the Defense Production Act for developing a domestic supply of beryllium from \$50 million to \$85 million. Also requires GAO to determine how dependent DOD is on rare earth materials coming from sources outside the United States.

Federal Employees and DOD Civilian Personnel

National Security Personnel System (NSPS)

Repeals NSPS and transitions employees back to the General Schedule (GS) by January 1, 2012. The agreement provides DOD flexibilities to reform the DOD hiring process and establish a performance management system.

Defense Civilian Intelligence Personnel System (DCIPS)

Suspends DCIPS for one year and requires an outside analysis of the DCIPS, to include employee input.

Sick Leave for FERS Employees

Allows employees covered by the Federal Employees Retirement System (FERS) to receive credit for unused sick leave toward their retirement annuity, as is currently the case for employees covered by the older Civil Service Retirement System. The provision reduces the incentive for employees to use excess sick leave as they approach retirement. OPM estimates the current "use it or lose it" system results in \$68 million in lost productivity each year.

Non-Foreign Locality Pay

Ensures retirement equity for Federal workers in Hawaii, Alaska, and the U.S. Territories, the majority of which are employed by the Defense Department, by providing these employees with locality pay. These workers currently receive a cost of living allowance, which does not count toward their retirement, as locality pay does. The provisions are PAYGO neutral and will result in approximately \$258 million in deficit reduction over 10 years.

Defense Acquisition Workforce Development

Enhances and extends expedited hiring authority to attract quality candidates for defense acquisition workforce positions.

A-76 Public-Private Competition

Temporarily suspends DOD's authority to initiate public-private competitions, and establishes a 24-month time limitation on public-private competitions.

Procurement Technical Assistance Program (PTAP)

Authorizes \$30 million, an increase of \$9 million, to the PTAP, 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.

Defense Travel Service

Requires DOD to report on a comprehensive plan to simplify the procedures used to make DOD travel arrangements.

Energy and Environment

Readiness Environmental Protection Initiative (REPI)

Authorizes \$56.7 million, an increase of \$20 million, for REPI. The conferees expect 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. This will help increase protection of key military spaces and natural habitats, foster public safety standards, and encourage economic growth.

Reauthorization of the Sikes Act

Reauthorizes the Sikes Act for six years. 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.

Prohibition on Disposing of Waste in Open-air Burn Pits

Requires the Secretary of Defense to issue regulations prohibiting disposal of covered wastes in open-air burn pits during contingency operations except when no other alternative disposal method is available.

Energy Conservation Projects

Provides \$123 million for energy conservation projects, an increase of \$33 million over the budget request. These projects increase the energy efficiency of DOD facilities and incorporate renewable energy onto military installations.

Energy Demand Response Programs

Authorizes DOD to participate in energy demand reduction initiatives in partnership with electric utilities, independent system operators, state agencies, and third party entities such as demand response aggregators or curtailment service providers. This authority will enable the Department to reduce energy demand during peak usage periods and to reinvest savings into energy management initiatives.

Energy Security on Military Installations

Requires the Secretary of Defense to develop a plan for identifying and addressing areas in which the electricity needed to carry out critical military missions on DOD installations is vulnerable to disruption. Directs the Secretary to work with public or private sector entities to address areas of vulnerability that are beyond the control of the Department of Defense.

Renewable Fuels

Requires the Secretary of Defense to report on the use of renewable fuels. Also requires the Defense Science Board (DSB) to review the alternative fuel certification efforts of each of the military services – including both renewable and synthetic alternative fuels – and make recommendations relating to DOD fuel use in the future.

TAKING CARE OF MILITARY PERSONNEL AND THEIR FAMILIES

Military Pay and Bonuses

Military Pay Raise

Provides a pay raise of 3.4 percent, an increase of 0.5 percent above the budget request, which will further reduce the gap in pay increases between the uniformed services and the private sector to 2.4 percent.

Monthly Compensation for Service Members with Combat Related Catastrophic Injuries

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

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. Also provides benefits to reserve members who meet eligibility requirements for the Post-Deployment/Mobilization Respite Absence program, which rewards troops with extended deployed service with additional paid time off following their deployment but were denied benefits due to an administrative error.

Limit on Collection of Overpayment

Limits the collection of pay and allowance overpayments that result from administrative errors.

Healthcare Benefits

Requirement for Medical Examination before Separation of Service Members with PTSD or Traumatic Brain Injury (TBI)

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

Authorizes service members to designate three persons, including people who are not family members, to be provided travel and 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 with the trip.

Extended TRICARE Eligibility for Reserve Members

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.

Prohibits Fee Increases

Prohibits fee increases on TRICARE inpatient care for one year.

Expanded TRICARE Dental Coverage

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

DOD Nurse Training Program

Directs DOD to establish an undergraduate nurse training program to help alleviate the shortage of military nurses.

Meeting the Health Care Needs of Military Families

Directs DOD to report on the health care needs of military families, including the effects of deployments on the children of service members.

Mental Health Care

Increasing the Number of Military Mental Health Providers

Requires DOD to significantly increase the number of military mental health providers, identify the appropriate number of military mental health providers, and assess the feasibility and advisability of creating one or more new military mental health specialties.

Scholarship Programs for Mental Health Professionals

Directs DOD to provide scholarships to students pursuing degrees in social work, clinical psychology, psychiatry, or other disciplines that contribute to mental health programs. Also increases the total number of health profession scholarships offered by the department by 300 to accommodate these students, which will help increase the number of mental health professionals with the skills needed for providing mental health care to our service members.

Post-Traumatic Stress Disorder (PTSD) Efforts Report

Requires a joint report from DOD and the Department of Veterans Affairs itemizing current PTSD treatments, ongoing research, and areas for future exploration, and encourages both departments to collaborate on work in this area to improve preventive efforts and treatment options.

Family Support Programs

Military Spouses Internship Pilot Program

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 spouses from station to station.

Impact Aid

Provides \$30 million to assist local education agencies that offer support to military children, with an additional \$14 million for those heavily impacted by force structure changes and BRAC. The conference report also provides an additional \$5 million to local educational agencies for military children with severe disabilities.

Family Housing

Provides \$2.2 billion for family housing programs, which will help support and expand quality housing for all service members and their families.

Report on Housing Standards

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.

Housing Assistance Program

Authorizes an additional \$276 million to support the Housing Assistance Program to help those military members adversely impacted by the housing downturn and forced to sell their homes at a significant loss.

Shipping Allowance for Household Items

Requires DOD to review the weight standards used to calculate the amount of household goods that military families may ship to new duty locations.

Increase in Maximum Leave Days Accumulation

Extends the temporary increase in the maximum number of leave days a member may accumulate and carry over from one year to the next.

Online Resources to Provide Information on Benefits and Services

Directs the Secretary of Defense to establish an Internet website and other online resources to provide military members and their families with comprehensive information about benefits and services that are available to them.

Monthly Amount of Supplemental Subsistence Allowance for Low Income Families

Increases the maximum monthly amount for supplemental subsistence allowance from \$500 to \$1,100.

Reducing Domestic Violence in Military Families

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

Additional Provisions

Sexual Assault

Directs GAO to report on the capacity of each of the services to investigate and adjudicate allegations of sexual assault. Requires DOD to develop a sexual assault prevention program and to 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 option to request moving to a different base.

Improved Accounting for Missing Members of the Armed Forces in Conflicts

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.

Language Training Centers

Provides authorization to establish Language Training Centers at universities, senior military colleges, or other similar institutions of higher education to create the foundational critical and strategic language and regional area expertise for members of the Armed Forces, including reserve component members, ROTC candidates, and civilian employees of the Department of Defense.

Defense Health IT Programs

The conferees are troubled by the difficulties DOD continues to experience with its health information management and technology systems. The committee will provide comprehensive and vigorous oversight of DOD's use of Health Information Technology funds to ensure that DOD 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.

DEFENSE ACQUISITION REFORM

Acquisition Workforce

Supports the Secretary of Defense's plan to increase the size of civilian acquisition personnel by 9,000 and to convert 11,000 contractor positions to DOD civilian personnel positions. The conference report 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, and revises the Acquisition Development Workforce Fund, authorized in the FY08 NDAA, to further facilitate expansion of the acquisition workforce; 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 conference report includes the following provisions to help improve the acquisition of information technology:

- Directs DOD to implement an alternative acquisition process based on recommendations from the Defense Science Board to rapidly acquire IT capabilities;
- Streamlines the cost, schedule and performance reporting for major automated information systems (MAIS), by providing guidance to 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. This capability reduces skill gaps in mission critical occupations by accelerating learning of industry best practices through direct interactions;
- Establishes more meaningful metrics for the acquisition of software-intensive programs by amending the reporting requirement in law through the replacement of 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; and
- Requires the DOD to undertake business process reengineering efforts before approving the acquisition of new business systems. DOD would also be required to undertake such business process reengineering analyses for business systems already approved for acquisition and deployment.

General Contracting Reforms

- Provides DOD the authority to require return of award and incentive fees and/or to disadvantage a firm competing on future contracts if the action of one of its employees leads to a service member or civilian employee's death or severe bodily injury;
- Requires DOD to ensure that facilities, infrastructure, and equipment being used by DOD personnel in overseas operations is inspected first for safety to the maximum extent possible;
- 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;
- Clarifies DOD's authority to withhold some payments on contracts that have undefined terms and requirements;
- Expands the application of existing suspension and debarment rules so that agencies can prohibit debarred contractors from getting subcontracts of any size on federal projects;
- Extends the Wartime Contracting Commission for an additional year and enhances support available to the Commission from government agencies;
- Authorizes DOD to share technical data with government support contractors to ensure that the government can get the technical expertise necessary to oversee its prime contractors;
- Requires DOD to notify the public before making any decision to bundle multiple contracts into a single large contract prior to issuing a solicitation;
- Requires a review of DOD processes 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;
- Renews the authority to use simplified acquisition procedures for commercial items that cost less than \$5 million for two years;
- Requires that the function of product support manager be performed by a government employee or member of the armed forces overseeing contracts for the sustainment of major weapons systems;
- Requires GAO to study how often and why DOD evaluates factors other than cost as being more important than cost in deciding to award contracts; and
- Requires GAO to study how prime contractors award subcontracts on major weapons systems to ensure proper management of subcontractors.

SHIPBUILDING HIGHLIGHTS

LPD-17 – Completes funding for the tenth LPD-17

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;

Joint High Speed Vessel (JHSV) – Authorizes one JHSV;

Littoral Combat Ship (LCS) – Authorizes the Secretary of the Navy to down-select to one variant of the Littoral Combat Ship and enter into a block-buy procurement contract for 10 ships over the next 5 years. This down-select is directed to be the result of a “winner-take all” competition between the two shipbuilding teams. Additionally, the Secretary is directed to require each of the two teams to provide the Navy with the technical data package for their ships, allowing the Navy to compete the winning design to a secondary shipyard.

Research and Development—Authorizes \$2.2 billion in research and development for submarines, destroyers, surface warfare vessels, Littoral Combat Ships, and amphibious warfare ships.

Temporary Reduction in Minimum Number of Operational Aircraft Carriers

Authorizes the inactivation of the USS Enterprise (CVN 65) after 51 years in commissioned service to the nation. This inactivation will decrease the number of active aircraft carriers in the Navy battle force from 11 ships to 10 ships during the period between the inactivation of the USS Enterprise in FY13 and the commissioning of the USS Ford (CVN 78) in FY15.

AIRCRAFT PROGRAM HIGHLIGHTS

Department of the Navy Aircraft Carrier Air Wing Force Structure and Strike-Fighter Inventory Shortfall

The conference report notes repeated testimony before Congress stating that the Navy has made a long-term commitment to field 11 aircraft carriers outfitted with 10 carrier air wings composed of 44 strike-fighters in each wing. Likewise, the conference report includes a Sense of Congress that the Secretary of the Navy and Congress should take all appropriate actions to provide the necessary resources to achieve and maintain that force structure requirement. Furthermore, the conferees are very concerned about the Department of the Navy's current and forecasted shortfalls in the strike-fighter inventory as it relates to the previously stated requirements, and encourage the Department to strongly consider procuring aircraft through use of a multi-year contract for the remaining program of record and for additional aircraft above the program of record to mitigate the Department's shortfall.

Strategic Airlift

Requires DOD to maintain a strategic airlift fleet of 316 aircraft, eight aircraft less than the current Air Force program of 213 C-17 and 111 C-5 aircraft. The committee also includes two separate provisions: one that requires the Air Force to provide a report 90 days in advance of any plans to retire additional C-5 aircraft, and one that limits C-5 retirement until certain reports and a certification are submitted.

Combat Air Forces Restructuring

Prohibits the retirement of fighter aircraft until 30 days after the Secretary of the Air Force provides a detailed report to Congress.

F/A-18E/F and EA-18G Aircraft

Authorizes the Navy to enter into a multi-year procurement contract for F/A-18E/F and/or EA-18G aircraft and associated Government-furnished equipment. Also authorizes 9 additional F/A-18E/F aircraft in fiscal year 2010, and authorizes an increase of \$108 million for advance procurement of items that would be used to build new, additional aircraft beyond fiscal year 2010.

VH-71 Presidential Helicopter Program

Fully funds the administration's request of \$85 million for cancellation and program management costs. The conferees support a new acquisition plan for the Presidential helicopter program, which may or may not include a multi-platform solution, and encourage the Secretary of Defense to consider continued procurement of the Increment 1 version of the helicopter, therefore ensuring taxpayer dollars are not wasted.

F-22 Modifications

Authorizes \$192.3 million for F-22 modifications.

Joint Strike Fighter (JSF) and Alternate Engine

Authorizes the budget request for 30 F-35 aircraft. Also authorizes an increase of \$430 million in Research and Development for continued F136 engine development and \$130 million for F136 engine procurement.

The conferees state their expectation that the Secretary of Defense will comply with section 213 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), and ensure that sufficient annual amounts are obligated and expended, in each fiscal year, for the continued development and procurement of two options for the F-35 propulsion system in order to ensure the development and competitive production of the F-35 propulsion system.

KC-X Aerial Refueling Tanker

Authorizes the full request, \$440 million, for the KC-X program.

Joint Cargo Aircraft (JCA)

Authorizes the full request, \$319 million, for eight JCAs.

C-130J Aircraft

Authorizes \$358 million for four C-130Js, and \$375 million for two HC-130J or MC-130 J aircraft.

CV-22 Aircraft

Authorizes \$437 million for five CV-22s.

Aerial ISR Systems in Iraq and Afghanistan

Requires DOD to study the effectiveness of aerial intelligence, surveillance, and reconnaissance (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.

TROOP PROTECTION

Body Armor

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 for body armor as well as facilitate the advancement of lighter-weight technologies.

Joint IED Defeat Organization (JIEDDO)

Authorizes full funding of the President's request for \$2.1 billion. JIEDDO's mission is to lead, advocate, and coordinate all DOD activities for combating IEDs in Iraq and Afghanistan

GROUND VEHICLES

Mine Resistant Ambush Protected (MRAP) Vehicles

Authorizes \$6.7 billion for Mine Resistant Ambush Protected (MRAP) vehicles, \$1.2 billion above the President's request, which fully funds the new MRAP All-Terrain variant requirement to increase tactical mobility and maneuverability in Afghanistan .

Abrams Tanks and Bradley Fighting Vehicles

Authorizes \$1.3 billion to upgrade Abrams tanks and Bradley fighting vehicles.

Up-Armor High Mobility Multipurpose Wheeled Vehicles (UAHs) and Medium and Heavy Tactical Wheeled Vehicles

Authorizes \$4.3 billion for Up-Armor High Mobility Multipurpose Wheeled Vehicles (UAHs), and medium and heavy tactical wheeled vehicles. These funds help to maintain maximum and/or very high rates of production and would address battle losses, reset, and Guard and Reserve Component requirements.

Expeditionary Fighting Vehicle (EFV)

Fully funds the EFV request for \$294 million. Requires DOD to report on improvements to EFV protection against IED threats and vehicle survivability.

GROUND SYSTEMS

Future Combat Systems (FCS)

Fully funds \$2.45 billion authorization for the communications network and the spin out equipment sets, the two elements of the terminated FCS program expected to continue as separate programs in FY10.

Provides \$216 million, a reduction of \$211 million, for the termination of the FCS Manned Ground Vehicle program. Given that there are unspent FY09 funds from the FCS program, the conferees believe \$216 million in FY10 is sufficient to cover the termination costs.

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, while granting DOD waiver authority over this restriction, pending certifications regarding cost estimates, technology readiness, program baselines, and testing. This will ensure that the equipment is fully tested prior to committing to full-rate production.

Changes existing law to restrict 50 percent of FCS network-related R&D funds, pending a report on the Army's plan for moving forward with the Army tactical ground network program to be derived from the terminated FCS program.

Tasks the Director of Defense Research and Engineering and the Director of Developmental Test and Evaluation with assessing the technological maturity and integration risk of critical technologies previously part of the FCS program.

Warfighter Information Network-Tactical (WIN-T) Program

Authorizes \$558 million for Warfighter Information Network – Tactical communications equipment.

SPECIAL OPERATIONS

MC-130W Combat Spear Aircraft

Authorizes \$85 million to modify four additional MC-130W Combat Spear aircraft, Special Operations Command's (SOCOM) top unfunded priority.

NATO Special Operations Forces Coordination

Authorizes \$30 million to improve coordination and cooperation between the special operations forces of NATO and directs the Secretary of Defense to assign executive agent responsibility for the NATO Special Operations Coordination Center (NSCC) .

SCIENCE AND TECHNOLOGY

Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR)
Extends authorization for SBIR, STTR, and the SBIR Commercialization Pilot Program at DOD for one year.

Research Capacity for Minority-Serving Institutions
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
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.

Energy Storage Device Requirements and Investments Coordination
Directs GAO to assess the department's coordination with other federal agencies and with the private sector on developing future energy storage devices, whether there is a need for further standardization of these devices, and whether there have been commercial advances in energy storage technology that could be better leveraged by DOD.

Chemical and Biological Defense Programs
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. The program also develops therapeutic countermeasures to these and other threats such as the recent H1N1 pandemic.

Minerva Initiative
Supports the budget request for the Minerva Initiative, but directs at least \$5 million of the request to be used to develop in-house DOD capabilities at defense laboratories and schools consistent with the research goals of the program.

ENHANCING CYBERSECURITY PROTECTIONS

Implementation Strategy

Requires DOD to report on an implementation strategy for organizing the research and development components of the DOD to develop leap-ahead cyber operations capabilities.

Defense Cyber Investigation Training Academy

Provides authority to DOD to allow private sector civilians to receive instruction at the Defense Cyber Investigation Training Academy.

Report on Recruiting, Retention, and Career Progression

Requires DOD to report on the recruitment, retention, and career progression of military and civilian cyber operations personnel in DOD.

National Cyber Range

Supports the budget request for the National Cyber Range being developed by DARPA, while noting that identification of a transition partner for operation, sustainment, and maintenance has been insufficient.

NUCLEAR WEAPONS

Stockpile Stewardship and Management

Increases funding for the Stockpile Stewardship Program (SSP) by \$48.7 million and establishes important new guidelines for nuclear weapons stewardship and management. Also addresses key recommendations from the Congressional Commission on the Strategic Posture of the U.S., particularly those designed to improve the intellectual, scientific, and technical elements of the SSP.

Stockpile Stewardship Program

Clarifies two broad objectives of the SSP: to ensure that core intellectual and technical competencies required for stewardship are maintained, and to ensure the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.

Strengthens the overall Stockpile Stewardship Program by requiring an assessment of the adequacy of the tools, capabilities, and workforce needed to execute the SSP and a plan for enhanced peer review in the annual assessment and certification process.

Stockpile Management Program

Creates a new Stockpile Management Program to support the SSP by providing clear guidance for extending the effective life of the weapons in the U.S. nuclear weapons stockpile. 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 facilitate reductions in the future size of the nuclear weapons stockpile.

Requires that changes to the nuclear weapons stockpile be limited to sustaining current capabilities, and requires that any changes must use weapons components that can be certified without nuclear testing.

MISSILE DEFENSE

Fully funds the administration's request of \$9.3 billion for missile defense programs and provides our warfighters with the resources necessary to meet the most pressing ballistic missile threats to the United States, our deployed forces, and our friends and allies.

European Missile Defense

Authorizes up to \$309 million from FY2009 and FY2010 funding for the President's recently-announced European missile defense plan if the Secretary of Defense certifies, among other conditions, that the system is operationally-effective and cost-effective in providing protection for Europe and the United States. Also 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.

Aegis Ballistic Missile Defense (BMD) and Terminal High Altitude Area Defense (THAAD)

Increases funding for proven missile defense system Aegis BMD and THAAD systems by \$900 million over the FY2009 funded level, to provide combatant commanders increased capabilities to meet their stated warfighting requirements. Authorizes \$1.8 billion for Aegis BMD—adding \$23 million for additional SM-3 missiles—and authorizes \$1.1 billion for THAAD.

Army Missile Defense Programs

Authorizes \$1.3 billion for Army missile defense programs, including the Patriot system.

Ground-based Midcourse Defense (GMD) Program

Authorizes over \$1 billion to test, sustain, and improve the existing GMD system, and to require the department to establish a plan to maintain its operational effectiveness of the system over the course of its service life. Also supports the administration's plan to deploy 30 operationally-effective GMD interceptors for homeland defense.

Theater Missile Defense Force Structure and Inventory

The conferees support the administration's plan to increase funding for the THAAD and Aegis Ballistic Missile Defense programs by \$900 million over FY2009 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 the real capabilities necessary to defend against the 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.

Airborne Laser Program (ABL)

Provides \$186.7 million, the amount of the budget request, for the ABL program. This funding will allow completion of initial testing of the ABL.

U.S.-Israel Cooperative Program

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.

MILITARY INTELLIGENCE

Nuclear Intelligence Analysis Capabilities

Requires the Department of Energy to develop a plan to ensure that our national security laboratories have sufficient funding and technical abilities to monitor, analyze and evaluate foreign nuclear weapons activities.

Foreign Ballistic Missile Intelligence

Requires DOD to assess gaps in U.S. intelligence for foreign ballistic missile programs and prepare a plan to ensure that our intelligence centers have sufficient analytical capability to address these shortfalls.

MILITARY SPACE PROGRAMS

Space Science and Technology Strategy

Requires the DOD and DNI to jointly develop and submit a biannual space science and technology (S&T) strategy when the budget is delivered to Congress in 2011. A space S&T strategy is needed to ensure coordination across all of the military departments, services, and the intelligence community, so that efforts are not duplicative, but rather, part of an overall strategy for maintaining and improving our space capabilities.

Restructuring the NPOESS Program

Military commanders must have access to accurate and timely weather information in order to prepare for operations, and civilian government agencies require such information to prepare for natural disasters. Given the cost and schedule problems encountered by the National Polar-orbiting Operational Environmental Satellite System (NPOESS) program, the conference agreement directs the President to develop a strategy for the management and funding of the tri-agency (DOD, DOC & NASA) program, and an implementation plan for the strategy. The conference report limits expenditure of Air Force funding for the NPOESS to no more than 50 percent until the strategy is delivered, and no more than 75 percent until the implementation plan is sent to the Congress.

Space Surveillance Data

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

DEFENSE ENVIRONMENTAL MANAGEMENT

Defense Environmental Cleanup

Authorizes \$5.5 billion for Defense Environmental Cleanup, the amount of the budget request. Directs the Comptroller General of the United States to conduct an ongoing review of projects carried out by the Department of Energy's Office of Environmental Management pursuant to the American Recovery and Reinvestment Act of 2009. This will ensure continued oversight of the execution of the \$5.1 billion in additional funding provided for environmental cleanup through the Recovery Act.

Defense Nuclear Waste Disposal

Authorizes \$98 million, the amount of the budget request, for defense nuclear waste disposal.

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 conference agreement encourages the department to focus this QDR process on producing something 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.
- Adds eight Congressionally appointed members to DOD's independent panel already required by law and provides that panel with additional guidance in producing the output Congress needs to make informed national security-related decisions.
- Requires DOD 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.

Interagency Reform

Requires an independent look at ways to expand and improve the system established for developing interagency national security professionals begun under the last Administration.

Deputy Undersecretaries of Defense and Assistant Secretaries of Defense

Concerned about the proliferation of positions with the title "Deputy Undersecretary of Defense" within the DOD and with different reporting relationships and pay disparities, the conference agreement streamlines DOD organization by establishing five Principle DUSDs, each subject to the confirmation by the Senate, while abolishing all other DUSD positions in the Department.

Prohibition of Propaganda

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.

Combating Piracy

Requires vessels carrying DOD cargo in high piracy risk areas to be equipped with appropriate non-lethal defense measures. Also, requires the Secretary of State and the Secretary of Defense to report jointly to Congress on efforts to ease restrictions on arming ships for self-defense and on efforts to establish common standards for training and professional qualifications of armed security teams.

Afghanistan and Pakistan

Required Assessments of Goals in Afghanistan

Updates existing reporting requirements to better track the administration's March 27 Afghanistan strategy, including progress in eliminating al Qaeda sanctuaries, challenging the control of the Taliban, coordinating reconstruction and development activities in Afghanistan, and the status of international troop contributions.

Increasing the Size of the Afghan National Security Forces

Fully authorizes the budget request of \$7.4 billion for the Afghan National Security Forces.

Commanders' Emergency Response Program (CERP)

Extends CERP for one year.

Afghanistan National Solidarity Program

Authorizes the Secretary of Defense to contribute up to \$50 million in CERP funds to support the Afghanistan National Solidarity Program, a very successful Afghan-led development program that has reached over 20,000 villages in Afghanistan.

Reintegration

Allows the Secretary of Defense, with the Secretary of State and in coordination with the Government of Afghanistan, to use CERP funding to begin a reintegration program for former Taliban fighters. These funds would be used to help reintegrate back into society those who have renounced violence against the Government of Afghanistan. This initiative is a key part of the effort to peel off reconcilable members of the Taliban.

GAO Assessment of Campaign Plans for Iraq and Afghanistan

Directs GAO to submit separate assessments of the strategic plans for Iraq and Afghanistan. These reports are an important aspect of congressional oversight of the strategy for both countries and provide valuable analysis.

Tracking Defense Articles Provided to Afghanistan and Pakistan

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.

Prohibition on Permanent Bases in Afghanistan

Prohibits the use of funds to establish permanent bases in Afghanistan.

Study on Compensation for Civilian Losses

Requires a study on how better to compensate for civilian casualties, examining current and past policies, and offering recommendations for future improvement.

Report on Progress Toward Security and Stability in Pakistan

Requires the President to report on progress toward long-term security and stability in Pakistan, including efforts to disrupt, dismantle and defeat al Qaeda and other extremist forces in Pakistan; eliminate safe havens for these forces; and prevent their return to Pakistan or Afghanistan. The President is also directed to report on goals and objectives for Pakistan, timelines and metrics for measuring progress there, and the effectiveness of U.S. security assistance in achieving progress.

Coalition Support Funds

Authorizes the administration's request of \$1.6 billion for coalition support fund reimbursements to nations providing logistical, military, and other support in connection with Operation Iraqi Freedom or Operation Enduring Freedom. The conference report also extends a detailed congressional notice requirement regarding reimbursements for Pakistan, and directs DOD 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

Authorizes the Pakistan Counterinsurgency Fund to improve the counterinsurgency capabilities of Pakistan's security forces, including Pakistan's military and Frontier Corps. Concurrent with the initial use of the Fund, the conference report directs DOD to make an assessment of Pakistan's efforts to confront the threat from militant extremists in the country.

Iraq

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

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.

Authority to Transfer Equipment to the Iraqi Security Forces

Permits the Secretary of Defense to transfer certain equipment to the Iraqi Security Forces to ensure that those forces can address internal security challenges in Iraq on their own and permit U.S. forces to responsibly redeploy.

GAO Assessment of Campaign Plans for Iraq and Afghanistan

Directs GAO to submit separate assessments of the strategic plans for Iraq and Afghanistan. These reports are an important aspect of congressional oversight of the strategy for both countries and provide valuable analysis.

Prohibition on Permanent Bases in Iraq

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

Foreign Nations

Sense of Congress on Iran Sanctions

Includes a Sense of Congress that the President should consider the imposition of additional, more restrictive sanctions if Iran fails to comply with applicable United Nations Security Council resolutions related to its nuclear activities and if the United Nations Security Council fails to adopt significant and meaningful additional sanctions.

Annual Report on Military Power of Iran

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.

Victims of Iranian Censorship (VOICE) Act

Authorizes funds to expand the Broadcasting Board of Governors' Farsi language programming to Iran and to support the development of technologies that will help the Iranian people gain access to and share information. Also requires a report on persons and companies who help Iran filter online political content, disrupt cellular and internet communications, and monitor the online activities of its citizens.

North Korea

Requires a presidential report examining the conduct of North Korea to determine whether it should be listed as a state sponsor of terrorism.

China

Expands the scope of the DOD'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. Also requires a comprehensive and coordinated strategy for U.S.-China military-to-military contacts.

Patriot Air and Missile Defense Battery in Poland

Includes a Sense of Congress that the United States and Poland should seek to implement the terms of the Declaration on Strategic Cooperation signed in August 2008, including cooperation on the deployment of a U.S. Patriot air and missile defense battery in Poland.

Expansion of U.S.-Russian Joint Data Exchange Center

Requires the Secretary of Defense to prepare a report on potential missile defense cooperation with Russia, including an assessment of whether there is mutual interest in modifying the agreement on the establishment of the Joint Data Exchange Center to encompass other forms of cooperation.

Sense of Congress on START Negotiations

Includes a Sense of Congress provision that urges the President not to include any limitations in the follow-on to the START agreement on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems.

Counter-Narcotics (CN) Policy

Reauthorizations

Reauthorizes numerous counter-narcotics authorities of the Department of Defense, including the use of counter-narcotics funding for counter-terrorism purposes in Colombia within the troop cap.

Colombia

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 permits Southern Command from executing its counter-narcotics strategy for the region. Also prohibits permanently stationing U.S. forces in Colombia.

Accountability

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

Pakistan

Encourages DOD to work with the Governments of Afghanistan and Pakistan to curb the illicit narcotics trade through southern Afghanistan into Baluchistan, Pakistan. Pakistan's status as a major transit country for opiates and other narcotics remains a concern, particularly since the profits from the drug trade help finance the Taliban and fuel the insurgency in Afghanistan.

Training and Equipping Authority

Fully funds the administration's \$350 million request for training and equipping the military forces of friendly nations. Also limits to \$75 million the amount that may be used for programs to build the capacity of foreign military forces to participate in or support military or stability operations in which the United States Armed Forces are a participant. 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 authorities are sufficient.

Assistance to Foreign Forces

Authorizes \$40 million for use by DOD for assistance to foreign forces, irregular groups, or individuals supporting special operations efforts to combat terrorism.

Department of Energy Nonproliferation Programs

Provides \$2.2 billion for DOE's nonproliferation programs, an increase of \$39.8 million, to support the President's nonproliferation goals and protect our nation.

Nonproliferation and Verification Research and Development Program

Authorizes \$337.3 million, an increase of \$40 million, for the Nonproliferation and Verification Research and Development program, which includes funding for advanced nuclear detection and international safeguards technologies.

International Nuclear Materials Protection and Cooperation Program

Authorizes \$592.1 million, an increase of \$39.8 million, for the International Nuclear Materials Protection and Cooperation program, including funding to secure nuclear weapons and weapons materials outside the United States, and to deploy radiation detection equipment and related capabilities at high-threat border crossings to deter, detect, and interdict illicit transfers of materials that could be used in WMD or a radiological “dirty bomb.”

Global Threat Reduction Initiative

Authorizes \$333.5 million for the Global Threat Reduction Initiative, which supports the President’s four-year plan to secure and remove all known, vulnerable nuclear materials around the world that can be used for weapons and also secures and removes vulnerable weapons-usable radiological material around the world.

U.S. Surplus Fissile Materials Disposition Program

Authorizes \$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.

Addressing Urgent Threats

Provides a limited exemption from funding limitations for DOE nonproliferation activities that address urgent threats arising from the proliferation of nuclear and radiological weapons and weapons-related materials, technologies, and expertise.

Department of Defense Cooperative Threat Reduction (CTR) Program

Provides \$424 million, an increase of \$20 million, for the DOD CTR Program, which includes funding for new CTR initiatives. Also includes provisions to provide the President with new tools to further his goals and objectives for the 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;
- A requirement for the Secretary of Defense to develop and implement metrics to measure the impact and effectiveness of existing and new CTR activities, and assessments and reports by the Secretary and the National Academy of Sciences on these metrics; and
- A requirement that the CTR Defense and Military Contacts program be strategically used to advance the CTR mission and coordinated with the relevant combatant commanders.

Detainees

Prohibits the release of Guantanamo Bay detainees into the United States, its territories, and possessions, and restricts detainee transfers until 45 days after the President has submitted a plan to Congress which certifies that the detainees will pose little to no risk to the United States if transferred.

Also prohibits interrogation of detainees by contractors, prohibits any non- Department of Justice official from reading Miranda rights to detainees, requires the Secretary of Defense to develop guidelines which mandate videotaping or other electronic recording of non-battlefield detainee interrogations, and requires DOD to give the International Committee of the Red Cross (ICRC) prompt access to detainees held at the Bagram Theater Internment Facility in Afghanistan.

Military Commissions

Revises the Military Commissions Act to clarify rules and improve trial procedures to make military commissions fair and effective and, as a result, significantly reduce the likelihood of convictions from being overturned on technicalities.

The reforms, many of which have been endorsed by the Administration or high ranking military lawyers, would prohibit the use of statements alleged to have been secured through cruel, inhuman, or degrading treatment; provide the accused with greater ability to select their own counsel; make hearsay evidence harder to use in court; improve the procedures for the handling of classified information; and permit military commissions to continue existing cases for 90 days or until revisions have been made to supporting court manuals and handbooks.

Hate Crimes Prevention Act

Includes the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which provides technical and financial support to local law enforcement and prosecutors so that they can more aggressively try violent crimes motivated by a victim's race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

The Hate Crimes Prevention Act expands the ability of federal prosecutors to try similar types of cases in federal court if state or local officials are unable or unwilling to prosecute these cases, and criminalizes attacks against U.S. service members on account of their service to our country.

The Conference Managers included stronger protections for freedom of speech and association, including religious speech and association, than the House-passed version of this legislation. Consequently, religious leaders will not have to change the expression of their beliefs or how they service their congregations, as a result of the enactment of Hate Crimes legislation.

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