

**PRESS RELEASE**

**U.S. Senate Committee on Armed Services**

Carl Levin, Chairman  
John McCain, Ranking Member

<http://armed-services.senate.gov>



FOR IMMEDIATE RELEASE  
October 7, 2009

Contacts:  
Tara Andringa (Levin) 202-228-3685  
Brooke Buchanan (McCain) 202-224-7130

**CONFERENCE REPORT FOR THE NATIONAL  
DEFENSE AUTHORIZATION BILL FOR FISCAL YEAR 2010**

WASHINGTON -- Senator Carl Levin (D-MI), Chairman of the Armed Services Committee, and Senator John McCain (R-AZ), Ranking Member, announced today the contents of the National Defense Authorization Bill for Fiscal Year (FY) 2010 conference report. The bill authorizes funding for the Department of Defense (DOD) and the national security programs of the Department of Energy (DOE).

“The conference report on the National Defense Authorization Act for Fiscal Year 2010 reflects almost all of the decisions of the Secretary of Defense and the President to terminate troubled programs, delay programs for which requirements are not yet defined, and reorient programs and systems to deal with today’s threats and apply the lessons gained from more than seven years of war. This is a solid bipartisan bill that supports the men and women of the armed forces, both active and reserve, and their families, and provides them with the pay, benefits, equipment, and training that they need. The enactment of this conference report will send an important message to our troops that we, as a Nation, stand behind them and appreciate their service,” said Levin. “I thank Senator McCain for the hard work that he has put into the bill, and for the unflinching commitment that he has shown to our national security throughout his career in the Senate,” said Levin.

“I am happy to support the National Defense Authorization Act for Fiscal Year 2010 conference report which funds the needs and requirements of our brave men and women in uniform to succeed in their mission. Although I do not support every provision, I believe we have a good bill that fully funds the President’s budget request, increases benefits for our wounded warriors and provides an across-the-board pay raise for our soldiers, airmen, sailors, and marines. I also want to thank Chairman Levin for his leadership and for his commitment to our troops and their families and all the Members of both sides of the aisle who worked so hard on this legislation. Our conference report reflects a bipartisan dedication to providing for our Nation’s defense. However, I am disappointed that this year’s conference report includes hate crimes legislation, which I continue to oppose, and funding for continued development of the alternate engine for the Joint Strike Fighter,” said McCain.

Levin added: “I am particularly pleased that this conference report includes two landmark pieces of legislation from the Senate bill: the Military Commissions Act of 2009 and

the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. The military commissions legislation would completely replace the procedures enacted in the Military Commissions Act of 2006, bring military commissions into compliance with the standard imposed by the Geneva Conventions and the Supreme Court's ruling in the Hamdan case, and go a long way to ensure that any convictions obtained through military commissions will hold up on appeal and will be perceived as fair and just by the American public and by the rest of the world. The Hate Crimes legislation would, for the first time, give the Justice Department jurisdiction over crimes of violence which are committed not only because of a person's race, color, religion, and national origin, which we already have on the books, but also based on gender, sexual orientation, or disability. The inclusion of this legislation in this – the last National Defense Authorization Act in which Senator Kennedy participated in his 26 years of service on the Armed Services Committee – is a fitting tribute to one of the greatest Senators in the history of this body.”

### **MAJOR CONFERENCE REPORT HIGHLIGHTS**

*Note: This section describes major provisions contained in the conference agreement. Some items are repeated in the Detailed Description section following these highlights.*

- 1. Provide fair compensation and first-rate health care, address the needs of the wounded, ill, and injured, and improve the quality of life of the men and women of the all-volunteer force (active duty, National Guard and Reserves) and their families.**
- Authorizes \$164 billion for military personnel, including costs of pay, allowances, bonuses, survivor benefits, permanent change of station moves, and military health care.
  - Authorizes a 3.4 percent across-the-board pay raise, 0.5 percent above the budget request and the annual increase in the Employment Cost Index.
  - Authorizes FY2010 active-duty end strengths for: the Army of 562,400; the Marine Corps, of 202,100; the Air Force, of 331,700; and the Navy, of 328,800.
  - Authorizes the Secretary of Defense to increase the Army's active-duty end strength by 30,000 above 2010 levels during FY2011 and FY2012 if sufficient funding is requested in the budgets for those fiscal years.
  - Prevents increases in copayments for inpatient care at civilian hospitals under TRICARE Standard during FY2010.
  - Authorizes full funding for the Defense Health Program.
  - Authorizes special compensation for designated caregivers for the assistance they provide to service members with catastrophic injuries or illnesses when, in the absence of that assistance, the service member would require hospitalization or institutional care.

- Extends eligibility for TRICARE Standard to reserve component area retirees who have not yet reached age 60, also known as gray area retirees.
- 2. Provide our service men and women with the resources, training, technology, equipment (especially force protection), and authorities they need to succeed in combat and stability operations.**
- Provides \$6.7 billion for the Mine Resistant Ambush Protected (MRAP) Vehicles, an increase of \$1.2 billion above the President's budget request to fund the requirement for MRAP All-Terrain Vehicles (M-ATV) being deployed to Afghanistan.
  - Adds \$600 million, for a total of \$6.9 billion, to address equipment shortfalls in the National Guard and Reserves.
  - Provides full funding for most Army programs, including: AH-64 Apache, UH-60 Blackhawk, UH-72 Lakota, OH-58 Kiowa Warrior, and CH-47 Chinook helicopters; M1 Abrams tank and M2 Bradley infantry vehicle modernization; and Patriot air defense missile systems.
  - Provides \$100 million for the Common Remotely Operated Weapons Station (CROWS) program. This unfunded requirement was identified by the Army Chief of Staff.
  - Provides full funding at the budget request level for most Navy programs, including: Carrier Replacement Program; *Virginia*-class submarine; DDG-1000; DDG-51; Littoral Combat Ship (LCS); T-AKE dry cargo/ammunition ship; and V-22 aircraft.
  - Provides an additional \$512 million to buy 18 F/A-18E/F aircraft, rather than nine aircraft as requested, and authorizes the full request for 22 EA-18G aircraft.
  - Provides conditional authority for the Secretary of the Navy to enter into a multiyear procurement contract for F/A-18E/F and EA-18G aircraft procurement, and provides an additional \$108 million in advance procurement to support a possible multiyear procurement, only if that multiyear contract fully complies with the requirements of multiyear contracting law.
  - Terminates production of the F-22A aircraft, as requested by DOD.
  - Provides \$430 million to continue development of the F136 Joint Strike Fighter alternate engine, and \$130 million to begin Air Force procurement of the F136 engine.

**3. Enhance the capability of the armed forces to conduct counterinsurgency operations and apply the lessons of Iraq to Afghanistan, as appropriate.**

- Authorizes full funding for the President's request for \$7.5 billion to train and equip the Afghan National Army and the Afghan National Police.
- Allows the Secretary of Defense, with the concurrence of the Secretary of State, to transfer U.S. defense articles currently located in Iraq to the security forces of Iraq or the security forces of Afghanistan to support their efforts to provide for internal security.
- Authorizes up to \$1.3 billion for the Commanders' Emergency Response Program (CERP) in Iraq and Afghanistan for humanitarian relief and reconstruction projects and authorizes using CERP funds to support the Afghanistan National Solidarity Program to promote Afghan-led community development.
- Provides oversight of the Pakistan Counterinsurgency Fund, to be resourced with up to \$700 million transferred from the State Department, for building the capability of Pakistan's military forces, police forces, and Frontier Corps to conduct counterinsurgency operations.
- Extends the authority for DOD to transfer up to \$100 million to the State Department to support State Department programs for security and stabilization assistance.
- Stipulates that funds available for DOD's program to build the capacity of partner nations ("Section 1206") may be used to build the capacity of coalition partners in Iraq and Afghanistan to conduct stabilization operations and special operations.

**4. Improve the ability of the armed forces to counter nontraditional threats, including terrorism, the proliferation of weapons of mass destruction and their means of delivery.**

- Provides more than \$2 billion for the Joint Improvised Explosive Device Defeat Organization (JIEDDO) in the Overseas Contingency Operations component of the budget request.
- Funds fully the President's \$1.57 billion budget request for Chemical and Biological Defense programs.
- Authorizes the budget request for the addition of \$700 million to field additional THAAD and Standard Missile-3 theater missile defense systems, and authorizes an increase of \$23 million for procurement of additional Standard Missile-3 interceptors.
- Authorizes the budget request for the addition of \$200 million for conversion of six additional Aegis ships for missile defense capabilities.
- Provides an additional \$20 million for the Cooperative Threat Reduction (CTR) Program at DOD and limited additional authorities to the CTR Program and the Nonproliferation

Program at DOE to utilize funding, notwithstanding any other provision of law, to meet urgent requirements.

**5. Seek to reduce our Nation's strategic risk by taking action aimed at restoring the readiness of the military services to conduct the full range of their assigned missions.**

- Funds readiness and depot maintenance programs to ensure that forces preparing to deploy are trained and their equipment is ready.
- Adds \$70 million in aviation depot maintenance in support of the Navy's unfunded requirement to increase readiness.
- Adds \$15 million for the DOD Inspector General (IG) second year growth plan that will enable the IG to increase oversight of operations in Iraq and Afghanistan, contract management and acquisitions, and support audits to identify potential waste, fraud, and abuse.

**6. Terminate troubled programs and activities, improve efficiencies, and apply the savings to higher-priority programs.**

- Future Combat System (FCS)—Reduces \$27 million from the FCS Non-Line of Sight Cannon and \$184 million FCS Manned Ground Vehicle programs for excess termination liability.
- Supports termination of the Multiple Kill Vehicle (MKV) program, which had significant technical challenges and was not consistent with the Secretary's missile defense policy guidance.
- Supports termination of the Kinetic Energy Interceptor (KEI) program, which had serious technology, affordability, and operational problems.
- Supports cancellation of the second Airborne Laser (ABL) aircraft, and refocuses the ABL program as a technology research effort. The ABL had significant affordability and technology problems and the program's proposed operational role was highly questionable.
- Reduces \$209.5 million for the C-130 avionics modernization program (AMP) due to delays in the production program.
- Provides authority for temporary reduction in aircraft carrier force levels, as requested by DOD. Otherwise, the Navy would have had to spend more than \$1 billion to extend the service life of the U.S.S. *Enterprise*.

**7. Ensure aggressive and thorough oversight of DOD's programs and activities to ensure proper stewardship of taxpayer dollars and compliance with relevant laws and regulations.**

- Requires the Army to ensure that former FCS spin out early-infantry brigade combat team equipment is technologically mature, adequately tested, and has realistic and reliable cost estimates.
- Approves the Navy's plan to change the acquisition strategy for the Littoral Combat Ship (LCS) program, by conducting a winner-take-all down select for two ships in FY2010, with fixed-price options for two ships per year for the next four years thereafter.
- Requires that DOD treat the LCS as a Major Defense Acquisition Program (MDAP).
- Requires that the Navy conduct certain analyses before committing any funds to buy a future surface combatant after FY2011.

**OTHER KEY PROVISIONS**

The conference report contains the **Military Commissions Act of 2009**, which would replace the Military Commissions Act of 2006. The new legislation would ensure a fair and impartial process that is closer to the process used in trials by courts-martial by: (1) precluding the use of coerced testimony; (2) limiting the use of hearsay testimony; (3) establishing new procedures for handling classified information, based on the Classified Information Protection Act, which is applicable in the civilian courts; (4) providing defendants with access to witnesses and documentary evidence comparable to the access available to defendants in civilian courts; and (5) requiring that defendants be provided appropriate representation and adequate resources.

The conference report contains the **Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act**, which would: (1) prohibit hate crimes based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person; (2) provide support for the criminal investigation and prosecution of hate crimes by State, local, and tribal law enforcement officials; and (3) prohibit attacks on United States service members based on their military service.

The conference report **repeals the authority for the National Security Personnel System (NSPS)** and requires the transition of NSPS employees to previously existing civilian personnel systems, while providing DOD with new personnel flexibilities – in the areas of hiring and assigning personnel and appraising employee performance – that would extend across the entire DOD civilian workforce. The Secretary of Defense would be afforded an opportunity to propose additional personnel flexibilities, if he determines that such flexibilities would be in the best interest of DOD.

The conference report includes provisions that would: (1) prohibit the use of contractor employees to conduct detainee interrogations; (2) require that detainee strategic interrogations be

videotaped; (3) require DOD to provide the International Committee of the Red Cross prompt access to detainees in DOD custody at Bagram, Afghanistan; and (4) prohibit military and intelligence officials from reading Miranda warnings to foreign nationals in the custody of DOD who are captured and detained outside the United States as enemy belligerents.

The conference report also **prohibits the release of detainees from Guantanamo Bay to the United States**, its territories, or possessions for the period beginning on October 1, 2009 and ending on December 31, 2010. Prior to any transfer of detainees to the United States, its territories, or possessions, the President would be required to provide a comprehensive disposition plan to Congress at least 45 days prior to the transfer of any detainee, including a risk assessment relating to the transfer, a proposal for disposition, the risk mitigation measures to be taken, the location or locations where the detainee would be held, the costs associated with executing the plan including technical and financial assistance to be provided to state and local law enforcement, and a summary of required consultations with State officials regarding the transfer.

---

---

## **DETAILED DESCRIPTION BY SUBCOMMITTEE**

---

---

### **FUNDING LEVELS**

The total funding in the conference report matches the President's budget request of \$680.2 billion for discretionary programs in the jurisdiction of the House and Senate Armed Services Committees. The President's budget request for FY2010 had two major parts. The first was \$550.2 billion in budget authority in the base budget for DOD and defense programs in DOE. The second part was \$130 billion in budget authority for Overseas Contingency Operations, most of which funds the wars in Iraq and Afghanistan. The conference report authorizes these levels.

The Administration's budget for national defense also included discretionary programs outside the jurisdiction of the Armed Services Committees' discretionary programs that do not require further authorizations, mandatory programs that are part of current law, and a new mandatory proposal dealing with concurrent receipt. When these programs are added the total request for national defense equaled \$693.1 billion as re-estimated by the Congressional Budget Office. The bill is consistent with this level with one exception. The Administration's concurrent receipt proposal was not included in the conference report because acceptable and specific offsets were not proposed by the Administration.

### **SUBCOMMITTEE ON PERSONNEL**

The Personnel conference panel focused its attention on improving recruiting and retention, and providing top quality health care, military family readiness and support, and quality of life programs for military and civilian personnel of DOD.

## **End Strength**

- Authorizes FY2010 active-duty end strengths for the Army of 562,400; the Marine Corps, 202,100; the Air Force, 331,700; and the Navy, 328,800.
- Authorizes the Secretary of Defense to increase the Army's active-duty end strength by 30,000 above 2010 levels during FY2011 and FY2012 if sufficient funding is requested in the budgets for those fiscal years.
- Authorizes the secretaries of the military departments to vary Selected Reserve end strength by two percent above authorized levels.
- Requires the Secretary of the Army to submit a report to Congress describing the utilization of non-dual status technicians.
- Requires the Secretary of the Army to submit a report to Congress assessing the feasibility of creating a trainee, transients, holdees, and students account within the Army National Guard.

## **Military Personnel Policy**

- Requires that an officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff be appointed in the regular grade of brigadier general or rear admiral (lower half).
- Implements section 506 of the Duncan Hunter National Defense Authorization Act for FY2009 by modifying the distribution and authorized end strengths of general and flag officers on active duty and requiring the Secretary of Defense to report on adequacy of reserve component general and flag officer authorizations and other general and flag officer positions.
- Extends to September 2013 the option for service members to carry over 75 days of leave from one fiscal year to the next.
- Requires that reserve component members who served in combat zones be retained on active duty until completion of the disability evaluation process unless the members request to leave active duty.
- Requires a medical examination before administrative separation of members who are diagnosed as suffering from Post-Traumatic Stress Disorder (PTSD) or Traumatic Brain Injury (TBI).
- Authorizes the Secretary of the Air Force to establish the Air Force Academy Athletic Association as a nonprofit corporation to support the athletic programs at the Air Force Academy.

- Authorizes the Secretary of Defense to conduct a program to establish language training centers at institutions of higher learning.
- Directs the Secretary of Defense to establish an independent panel to review and make recommendations regarding the judge advocate requirements for the Department of the Navy, including career patterns and the role of the Judge Advocate General.
- Requires the Secretary of Defense to prescribe a policy guaranteeing media access to ceremonies for the dignified transfer of remains of service members who die overseas when the next of kin consents, and authorizes roundtrip transportation to the ceremony for family members.
- Authorizes the award of the Medal of Honor to former Army Private First Class Anthony T. Kaho'ohanohano, the Silver Star to former Army Captain Jack T. Stewart, and the Distinguished-Service Cross to former Army Sergeant First Class William T. Miles, Jr.
- Requires the Secretary of Defense to develop a revised plan to implement policies aimed at preventing and responding effectively to sexual assaults involving service members, and directs the Comptroller General to report on the capability of each of the armed forces to investigate and respond to allegations of sexual assault against service members.
- Requires a report by the Secretary of Defense in consultation with the Secretary of State on international intra-familial abduction of children of service members.
- Requires a report by the Secretary of Defense on child custody cases in which deployment of a service member was an issue and on measures taken to assist service members in avoiding child custody disputes.
- Includes the Military and Overseas Voter Empowerment Act to reduce barriers to absentee voting for military personnel and overseas voters.
- Requires the establishment of voting assistance officers on military installations.
- Increases DOD's cost share for the National Guard Youth Challenge Program from 60 to 75 percent of the cost of the program.
- Requires a comprehensive plan and statement of policy on the prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the military.
- Prohibits service secretaries from scheduling mobilization or pre-mobilization training when suspension of training is anticipated for at least five days unless the Secretary of Defense determines it is in the national interest, and Congress is notified.

- Requires the Secretary of Defense to establish a website for service members and their families to provide current information on the benefits available to them, including retirement and survivor benefits and offsets required by law.
- Authorizes \$30 million in supplemental educational aid, \$14 million in special assistance to local educational agencies affected by the Base Realignment and Closure (BRAC) Commission and force relocations, and \$5 million in impact aid for children with severe disabilities.
- Extends for two years the authority of the Secretary of Defense to provide financial assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.
- Amends the Elementary and Secondary Education Act of 1965 to change the requisite number of federally connected children who attend area schools daily in order for a school district to receive impact aid from 6,500 to 5,000 students.
- Requires the Comptroller General to conduct an audit of the utilization by local educational agencies of DOD supplemental impact aid assistance provided to support the education of dependent children of service members.
- Expresses the sense of Congress in support of State implementation of the Interstate Compact on Educational Opportunity for Military Children and encourages all States to enact it.
- Makes permanent the authority of the Secretary of Defense to enroll a limited number of dependents of foreign military members assigned to Supreme Headquarters Allied Powers Europe (SHAPE), on a space-available and tuition-free basis, in the DOD dependents' education system in Mons, Belgium.
- Authorizes the Secretary of Defense to enroll in DOD schools a dependent, not otherwise eligible for enrollment, who is the dependent of a member of a foreign armed force residing on a military installation in the United States, or a dependent of a deceased service member who died in the line of duty in a combat-related operation, as designated by the Secretary.
- Mandates the addition of two members to the DOD Military Family Readiness Council, one from the National Guard and one from a reserve component other than the National Guard.
- Requires the Secretary of Defense to undertake a comprehensive assessment of the impact of military deployment on dependent children of service members.
- Establishes an Office of Community Support for Military Families with Special Needs within the Office of the Under Secretary of Defense for Personnel and Readiness, which would have the responsibility to develop and implement a comprehensive policy and program of support for military families with special needs, to establish the capability to provide timely access to information and referral services, and to oversee the expansion of case management and individualized support services provided by the military departments.

- Expands coverage of exigency leave available under the Family and Medical Leave Act of 1993 to eligible family members of active-duty service members deployed to a foreign country, modifies the definition of a covered active-duty service member, and expands coverage of such members to include a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the armed forces at any time during the period of five years preceding the date on which the veteran receives treatment.
- Requires the Secretary of Defense to report on the various reintegration programs being administered in support of National Guard and reserve members and their families, and to report on the administration of the Yellow Ribbon Reintegration Program.
- Requires the Office for Reintegration Programs in DOD to establish, as part of the Yellow Ribbon Reintegration Program, a program to provide National Guard and reserve members and their families with training in suicide prevention.
- Requires the Comptroller General to submit a report on financial assistance for childcare provided to all active-duty service members, as well as to members of the reserve components who are deployed in connection with a contingency operation.
- Authorizes the Secretary of Defense to establish an internship pilot program for certain military spouses to obtain employment with other federal agencies or departments that could potentially lead to career portability and advancement.
- Requires the Secretary of Defense to report on the impact of domestic violence on military families, to include an assessment of such impact and information on progress being made to ensure care and services are provided to children exposed to domestic violence.

### **Military Pay and Compensation**

- Authorizes \$136 billion for military personnel, including costs of pay, allowances, bonuses, survivor benefits, and permanent change of station moves.
- Increases the maximum amount of Supplemental Subsistence Allowance from \$500 to \$1,100 per month and directs the Secretary of Defense to submit to Congress a plan to ensure that service members and their families are not dependent on food stamps for their nutritional needs.
- Authorizes a 3.4 percent across-the-board pay raise, 0.5 percent above the budget request and the annual increase in the Employment Cost Index.
- Directs the Comptroller General to conduct a comprehensive study comparing military pay and benefits, including the value of military health care and the retirement benefit, with comparable private-sector pay and benefits, and to report to Congress by April 1, 2010, on the results of that study.

- Reauthorizes over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel.
- Authorizes the Secretary of Defense to provide any member or former member of the armed forces up to \$200 a day for each day of administrative absence that the member would have earned between January 19, 2007, and the date of implementation of the Post-Deployment/Mobilization Respite Absence program, had the program been timely implemented.
- Authorizes monthly payment of hostile fire pay, imminent danger pay, hazardous duty pay, assignment pay, and skill incentive pay to be prorated to reflect the actual qualifying service performed during the month.
- Authorizes additional assignment pay or special duty pay for service members demonstrating critical language proficiency who agree to serve in Afghanistan for a minimum of three years.
- Authorizes the payment of stop-loss pay to members serving on active duty through June 2011.
- Requires the Secretary of the Air Force to submit a report to the congressional defense committees on the programs of the Air Force to attract and retain qualified individuals for service that involves the operation, maintenance, handling, or security of nuclear weapons.
- Authorizes transportation allowances for eligible relatives of a member of the uniformed services who dies while on active duty in order for the relative to travel to a memorial service that is separate from the burial service.
- Requires the secretaries of the military departments to provide reserve component members injured on active duty information on the availability of care through community-based warrior transition units, including the location of the nearest community-based warrior transition unit to their homes.
- Authorizes reserve retirees to have their retired pay recomputed and their retired grade readjusted when they are recalled to an active status in the Selected Reserve for at least two years.
- Authorizes service members who qualify for a regular retirement to elect to receive a reserve retirement when they serve in an active status in the Selected Reserve for at least 2 years after qualifying for the regular retirement.
- Prohibits the Secretary of Defense from authorizing a DOD entity, except when the Secretary determines it is in the best interest of the government or of government users, from offering or providing Internet, telephone, or television services directly to users using DOD resources.

- Reduces the maximum percentage of monthly compensation that may be involuntarily collected to repay overpayments erroneously paid to service members through no fault of their own from 20 percent to 15 percent.
- Expresses the sense of Congress that members of the armed forces, military retirees, and their families deserve ongoing recognition and support for their service, and that Congress will continue to look for appropriate mandatory spending offsets that could be used to address shortcomings in military personnel programs that incur mandatory spending obligations.

### **Health Care and Wounded Warriors**

- Authorizes over \$28 billion for the Defense Health Program.
- Prevents increases in copayments for inpatient care in civilian hospitals under TRICARE Standard during FY2010.
- Authorizes special compensation for designated caregivers for the assistance they provide to service members with catastrophic injuries or illnesses who require assistance in everyday living when, in the absence of that assistance, the service member would require hospitalization or institutional care.
- Prohibits the services from converting military medical and dental positions to civilian medical and dental positions.
- Extends the eligibility of reserve component members who are issued or covered by a delayed-effective-date active-duty order in support of a contingency operation for TRICARE coverage from 90 days to 180 days before the date on which the period of active duty is to commence.
- Enhances transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.
- Expands eligibility of surviving children under the TRICARE Dental Program to the longer of three years after the service member's death, until the surviving child reaches age 21, or until the child reaches age 23 if a full-time student.
- Requires the Secretary of Defense to submit a report on the health care needs of military family members and to undertake actions to enhance the capability of the military health system and improve the TRICARE program.
- Extends eligibility for TRICARE Standard to reserve retirees who have not yet reached the age of 60, also known as gray area retirees.
- Exempts certain disabled TRICARE beneficiaries under age 65 from the requirement to enroll retroactively in Medicare part B in order to maintain TRICARE coverage.

- Requires the Secretary of Defense to identify eligible TRICARE beneficiaries who are entitled to benefits under Medicare part A and who are eligible to enroll in Medicare part B of the options available to them for enrollment in Medicare part B and the potential consequences to TRICARE coverage of waiving enrollment in part B.
- Authorizes travel and transportation allowances for up to three designated individuals for seriously injured or wounded service members, including those with serious mental disorders, for the duration of their inpatient stay.
- Authorizes travel and transportation allowances for non-medical attendants of very seriously wounded, ill, or injured service members.
- Requires the Secretary of Defense to establish a task force to assess the effectiveness of the policies and programs developed and implemented by DOD and each of the military departments to assist and support the care, management, and transition of recovering wounded, ill, and injured service members.
- Requires the Secretary of Defense to develop and implement a comprehensive policy on pain management by the military health care system.
- Requires the Secretary of Defense to report on the implementation of policy guidance dated November 7, 2006, regarding deployment-limiting psychiatric conditions and medications, and to establish and implement a policy for the use of psychotropic medications for deployed members of the armed forces.
- Authorizes the Secretary of Defense to establish cooperative health care agreements between military installations and local or regional health care systems.
- Requires the Secretary of Defense to provide for a clinical trial to assess the efficacy of cognitive rehabilitative therapy for members or former members of the armed forces who have been diagnosed with TBI incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom.
- Requires the Secretary of Defense to provide for and report on clinical trials to assess the efficacy of chiropractic treatment for active-duty service members.
- Requires the secretaries of the military departments to increase by a specified amount the number of active duty mental health personnel authorized for each department; requires the Secretary of Defense to report on the appropriate number of mental health personnel required to meet mental health care needs of service members, retired members, and dependents; requires the Secretary to develop and implement a plan to significantly increase the number of DOD military and civilian mental health personnel; and requires the Secretary to assess the feasibility and advisability of establishing one or more military mental health specialties for officers or enlisted service members.

- Requires the Secretary of Defense to issue guidance for the provision of person-to-person mental health assessments at designated intervals for certain service members deployed in connection with contingency operations.
- Requires the Secretary of Defense to conduct a study on the management of medications for physically and psychologically wounded service members.
- Requires the Deputy Secretary of Defense, acting in the capacity of the Chief Management Officer of DOD, to submit a report on improvements to the governance and execution of health information management and information technology programs planned and programmed to electronically support clinical medical care within the military health system, including an assessment of the capabilities of the Office of the Assistant Secretary of Defense for Health Affairs to carry out necessary governance, management, and development functions of such systems, and an analysis of the alternative organizations within DOD with equal or greater management capabilities for health information management and technology.
- Requires the Secretary of Defense to conduct a comprehensive review of the mental health care and counseling services available to dependent children of service members, to develop and implement a plan for improvements in access to quality mental health care and counseling services for dependent children, and requires the Secretary of the Army to conduct a pilot program to address the mental health care needs of military children and adolescents.
- Requires the Secretary of Defense, in consultation with the Secretary of Veterans Affairs, to provide for a study on the treatment of post-traumatic stress disorder to be conducted by the Institute of Medicine of the National Academy of Sciences or another independent entity.
- Requires the Secretary of Defense to report on the implementation of section 1097c of title 10, United States Code, relating to the relationship between the TRICARE program and employer-sponsored group health plans.
- Requires the Secretary of Defense to report on the extent to which the Secretary has exercised the authority provided in the National Defense Authorization Act for FY2008 to provide a health care stipend for members of the reserve component who are called or ordered to active duty for more than 30 days.
- Authorizes the Secretary of Defense to provide, in exceptional circumstances, reimbursement for the travel expenses of active-duty beneficiaries and their dependents otherwise ineligible for reimbursement relating to travel for medical services.
- Requires the Secretary of Veterans Affairs to conduct a three-year study to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

- Authorizes the service secretaries to detail up to 25 active-duty officers each year as students at accredited schools for training in clinical psychology.
- Authorizes the Secretary of Defense to establish an undergraduate nurse training program.
- Authorizes a jointly operated DOD-Department of Veterans Affairs healthcare facility in North Chicago/Great Lakes Illinois.

### **Civilian Personnel**

- Authorizes the Secretary of Defense and other agencies and organizations with national security responsibilities to appoint individuals who have successfully completed the National Security Education Program to a position in the excepted service.
- Authorizes the direct hire of graduates of the Science, Mathematics, and Research for Transformation Defense Scholarship Program.
- Authorizes the direct hire of graduates of the Information Assurance Scholarship Program.
- Extends for one year the authority of the head of an executive agency to waive the limitations on the amount of premium pay that may be paid to a civilian employee who performs work in certain overseas locations in support of a contingency operation or an operation in response to a declared emergency.
- Extends to DOD civilian employees working in the Islamic Republic of Pakistan the same benefits that are currently provided to DOD civilians on official duty in a specified combat zone.
- Allows former federal employees who receive a federal annuity from other than the Civil Retirement and Disability Fund to retain their annuity if reemployed by DOD.
- Authorizes federal agencies to reemploy retired federal employees under certain limited conditions, without offset of an employees' annuity against their salary, and requires the Comptroller General to report on the use of this authority.
- Phases out cost of living allowances for federal employees working in Hawaii, Alaska, and other non-foreign U.S. territories, and would phase in locality comparability pay in place of the allowances.
- Phases in the allowance of unused sick leave to be applied toward length of service for purposes of computing a retirement annuity under the Federal Employee Retirement System.
- Provides certain District of Columbia employees whose positions were converted into federal positions with pension credit for their service prior to the transition for the purpose of determining federal retirement benefits.

- Allows former federal employees under the Federal Employee Retirement System who withdrew their contributions to the retirement trust fund, thereby waiving retirement credit for those years of service, to redeposit their earlier contributions, plus interest, upon reemployment with the federal government.
- Allows employees under the Civil Service Retirement System to take their highest salary, including their deemed full-time salary for years of part-time work, to be used in computing benefits derived from a pre-1986 salary.

### **SUBCOMMITTEE ON AIRLAND**

The Airland conference panel focused on ensuring that what is needed to succeed in combat and stability operations, to restore the readiness of Army ground forces, and Air Force, and Navy tactical air systems, to enhance the capability of the armed forces to conduct counterinsurgency operations, and to improve efficiency of programs and apply the savings toward high-priority programs. Particular emphasis was placed on addressing the modernization needs of the Army.

#### **Mine Resistant Ambush Protected All-Terrain Vehicles**

- Provides \$6.7 billion for the Mine Resistant Ambush Protected (MRAP) Vehicles, an increase of \$1.2 billion above the President's budget request to fund the requirement for MRAP All-Terrain Vehicles (M-ATV) being deployed to Afghanistan.

#### **Army Modernization**

- Requires the Secretary of Defense to carry out a next-generation ground combat vehicle program and a next-generation self-propelled howitzer program for the Army, and requires the Secretary of Defense to submit by March 31, 2010, a strategy and plan for the acquisition of next-generation combat and howitzer vehicles.
- Requires the Director of Defense Research and Engineering (DDR&E) to conduct an assessment of the technological maturity and integration risks of Army modernization programs.
- Requires an independent assessment of DOD's strategy for technology development that could support the modernization of the defense combat vehicle and tactical wheeled vehicle fleets. This assessment would address all aspects of vehicle systems and the full range of operational missions for the Army, Marine Corps, and U.S. Special Operations Command (USSOCOM).
- Requires the Army to ensure that former FCS spin out early-infantry brigade combat team equipment is technologically mature, adequately tested, and has realistic and reliable cost estimates.

- Restricts the obligation of more than 50 percent of FY2010 funding for the tactical ground network until Congress receives additional detailed information on the new program from the Under Secretary of Defense for Acquisition, Technology, and Logistics.

### **Army Aviation Highlights**

- Provides full funding for Army aviation programs, including: AH-64 Apache, UH-60 Blackhawk, UH-72 Lakota, OH-58 Kiowa Warrior, and CH-47 Chinook helicopters.

### **Army Weapons Systems Highlights**

- Authorizes full funding for the modernization of the M1 Abrams tank, M2 Bradley infantry vehicle, and Patriot air and missile defense systems.
- Adds \$58 million to the Paladin Integration Management (PIM) program to accelerate the upgrade and modernization of the M109A6 Paladin 155mm self-propelled howitzer that will increase the Paladin's performance and reliability, reduce life cycle costs, and address electronic obsolescence issues to meet the Army's needs to 2050.

### **Other Army Funding Issues**

- Supports the President's budget request for \$2.1 billion in Army research, development, test, and evaluation (RDTE) for the further development of the former FCS network and "spin out" technologies.
- Provides \$100 million for CROWS. This unfunded requirement was identified by the Army Chief of Staff.

### **Air Force and Naval Aviation Highlights**

- Adds \$512 million to buy 18 F/A-18E/F aircraft in FY2010 as originally planned, rather than nine aircraft as requested.
- Provides conditional authority for the Secretary of the Navy to enter into a multiyear procurement contract for buying F/A-18E/F and EA-18G aircraft, and provides an additional \$108 million in advance procurement to support a possible multiyear procurement, only if that multiyear contract fully complies with the requirements of multiyear contracting law.
- Authorizes full funding for DOD-requested Joint Strike Fighter (JSF) research and development program at \$3.6 billion.
- Authorizes full funding for DOD-requested JSF procurement of 30 aircraft (20 Navy/Marine Corps & 10 Air Force) at \$6.8 billion.

- JSF alternate engine –
  - Adds \$430 million to continue development of the F136 Joint Strike Fighter alternate engine.
  - Adds \$130 million in Aircraft Procurement, Air Force to begin procuring the F136 engine.
- Reduces by \$209 million funding for the C-130 avionics modernization program (AMP) request due to delays in the production program.
- Authorizes the full request, \$440 million, for the KC-X aerial refueling tanker program.
- Reduces by \$90 million funding for the CSAR-X program due to availability of prior year funds and the Administration’s plan to terminate the program.
- Adds \$24 million for upgrading existing Air Force Litening targeting pods.
- Requires a report on issues surrounding potential foreign military sale of the F-22.
- Requires a report on maintenance and storage of unique tooling for the F-22 program.
- Prohibits DOD from retiring fighter aircraft and moving the people assigned to those missions until the Secretary of the Air Force submits a report.

### **SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT**

The Readiness and Management conference panel focused its efforts on: (1) improving the readiness of our armed forces; (2) ensuring that members of the armed forces and their families have access to appropriate facilities, including family housing; and (3) addressing problems in the management and efficiency of DOD.

#### **Operation & Maintenance**

- Provides more than \$156 billion in funding for readiness and depot maintenance programs to ensure that forces preparing to deploy are trained and their equipment is ready.
- Adds \$15 million for the DOD IG second year growth plan that will enable the IG to increase oversight related to operations in Iraq and Afghanistan, contract management and acquisitions, and support audits to identify potential waste, fraud, and abuse.

#### **Energy Policy**

- Requires the Secretary of Defense to identify and address areas in which electricity needed to carry out critical missions could be vulnerable to disruption and to work with appropriate State and local governments and private entities to address such vulnerabilities.

- Establishes a comprehensive reporting requirement for DOD's efforts to develop and implement plans and strategies to meet energy efficiency requirements established by applicable statutes and Executive Orders. The provision will help Congress and DOD gain visibility on installation renewable energy projects and determine if existing funding mechanisms are sufficient.
- Authorizes \$5 million for the Director of Operational Energy Plans and Programs Office to increase oversight and coordinate energy efforts across the military services.
- Requires DOD to report on actions taken to address a Government Accountability Office (GAO) study regarding fuel demand management at forward-deployed locations.
- Directs the Secretary of Defense to consider renewable fuels in aviation, maritime, and ground transportation fleets.
- Authorizes DOD to participate in demand response programs for the management of energy demand or the reduction of energy use during peak periods.

### **Logistics**

- Reduces costs incurred to acquire and store unneeded inventory by requiring DOD to develop a comprehensive plan to address longstanding problems in its inventory management systems.

### **Acquisition Policy**

- Addresses electrical hazards and faulty wiring that have harmed U.S. personnel in Iraq and Afghanistan by requiring DOD to establish appropriate safety standards for expeditionary facilities used by military or civilian personnel of DOD in current and future military operations and by authorizing DOD to withhold or recoup award fees from companies found to jeopardize the health or safety of U.S. personnel.
- Addresses abusive sole-source contracts by requiring DOD to justify sole-source contract awards in excess of \$20 million in value.
- Establishes a temporary suspension on public-private competitions under the Office of Management and Budget (OMB) Circular A-76 until DOD complies with existing statutory requirements and reviews its policies and procedures applicable to such competitions to ensure that they are fair and balanced.
- Establishes time limits on the duration of public-private competitions for functions currently performed by federal employees to ensure that a final decision is made on such competitions within a reasonable period of time.

## **Defense Management**

- Enhances the ability of the DOD IG to conduct audits and investigations by authorizing the IG to subpoena witnesses to provide testimony, after providing notice to the Department of Justice.
- Streamlines and restructures DOD management positions by eliminating 22 of the 28 current Deputy Under Secretary of Defense positions and requiring DOD to develop a new organizational plan within six months.
- Improves DOD financial management by requiring DOD to engage in business process reengineering before acquiring new information technology systems and to review ongoing acquisitions to ensure that appropriate business process reengineering has taken place.
- Establishes a goal for DOD to achieve an auditable financial statement by September 30, 2017, and requires DOD to submit regular reports on its progress toward this objective.
- Helps DOD make needed improvements to its acquisition workforce by extending authority for expedited hiring, ensuring continued funding for the Acquisition Workforce Development Fund, and requiring DOD to improve its training programs.
- Requires DOD to report on the processes used to award contracts pursuant to congressional earmarks, and to explain awards that were not made on the basis of competitive or merit-based processes.

## **Military Construction**

The Administration's FY2010 budget request was for more than \$22.9 billion for military construction and housing programs. The conference report authorized military construction and housing programs totaling \$23.2 billion. The total amount authorized for appropriations reflects the continuing commitment of investment in the recapitalization of DOD facilities and infrastructure. Specifically, the conference report:

- Provides nearly \$1.4 billion for military construction in Afghanistan in support of the FY2010 Overseas Contingency Operations account.
- Reduces funding by \$313 million in FY2010 for facilities at Army installations no longer required because of DOD's decision to maintain 45 Army Brigade Combat Teams.
- Adds \$350 million for Army Trainee troop barracks projects.
- Provides more than \$300 million for construction of Guam projects related to the movement of Marines from Okinawa. The remaining project for Apra Harbor construction was fully authorized, but incrementally funded.

- Adds \$595 million for construction projects for the National Guard and Reserves, including \$200 million in programmatic increases in each category at the discretion of the service secretaries.
- Increases the authorization for the Homeowners Assistance Program by \$300 million. This program was altered in the American Recovery Reinvestment Act of 2009 and now provides relief to homeowners who are military services members, wounded warriors, surviving spouses, and defense civilian employees who are forced to relocate because of BRAC, or permanent change of station orders.

### **Military Construction Legislative Provisions**

- BRAC – economic development conveyances. The conference report provided a broad range of authorities aimed at balancing the needs of communities and the Services related to properties affected by BRAC decisions. The goal of the legislation is to provide a framework to conclude rapidly agreements on BRAC properties.
- Guam – Supports the Defense Review Policy Initiative (DPRI) relocating Marine forces within Okinawa, as well as from Okinawa to Guam. To that end the conference report includes a number of provisions that enhance DOD’s management of this move, as well as its ability to conclude that move without adversely affecting Guam’s economy or the safety of Marine Corps aviation assets.
- Palanquero, Colombia – Prohibits any funds from being used to start construction of a Cooperative Security Location in Palanquero, Colombia until DOD certifies that an agreement has been reached with Colombia that does not hinder U.S. Southern Command from executing its counterdrug strategy for the region. Additionally, the committee prohibits permanently stationing U.S. forces in Colombia.

### **Environmental Policy**

- Provides full funding for requested DOD environmental restoration programs to help clean up active and formerly-used defense sites in a timely manner.
- Requires the Secretary of Defense to issue regulations prohibiting the open-air burning of designated hazardous and medical waste during overseas contingency operations, including Operation Iraqi Freedom and Operation Enduring Freedom, except where there is no feasible alternative, and to report on the use of open-air burn pits and alternatives to their use.
- Adds \$20 million to the Administration’s request for the Readiness and Environmental Protection Initiative to enhance funding of priority projects to protect critical mission training sites by preventing or reducing encroachment through the creation of compatible-use buffer zones.

## **SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES**

The Emerging Threats and Capabilities conference panel focused on improving DOD capabilities to protect the Nation against emerging threats, including terrorism and the proliferation of weapons of mass destruction (WMD), and helping to transform U.S. forces to meet future threats.

### **Joint Improvised Explosive Device Defeat Organization**

- Provides more than \$2 billion for the Joint Improvised Explosive Device Defeat Organization (JIEDDO) in the Overseas Contingency Operations component of the conference report.

### **Combating WMD and Nonproliferation**

- Provides full funding for the U.S. Mixed Oxide fuel program in the National Nuclear Security Administration (NNSA).
- Requires the development of a nuclear forensics and attribution program across the Federal Government.
- Adds \$40 million to Nonproliferation Research and Development (R&D) for nuclear detection technologies, space, and other R&D activities at NNSA.
- Adds \$40 million to secure nuclear weapons and materials outside the United States and for radiation detection equipment at border crossings and ports.
- Provides new authority for the Cooperative Threat Reduction (CTR) program at DOD and the International Nuclear Materials Protection and Cooperation program at DOE to address emergency nonproliferation issues.
- Provides no funds for nuclear disablement and dismantlement activities in North Korea.
- Authorizes the CTR program and provides an additional \$17 million for new initiatives outside of the former Soviet Union, and \$3 million for Russian and other chemical weapons demilitarization.

### **Chemical and Biological Programs**

- Funds fully the President's budget request for Chemical and Biological Defense programs – \$1.57 billion.
- Funds fully the President's budget request for chemical weapons demilitarization – \$1.56 billion.
- Authorizes an additional \$13 million for chem-bio defense programs.

## **Drug Interdiction and Counterdrug Activity**

- Extends three longstanding counterdrug train and equip programs, including:
  - Authority for a joint task force conducting counternarcotics training and assistance to a foreign government to also provide counterterrorism training and assistance;
  - Authority for DOD to provide assistance to Plan Colombia, as well as maintain the limits on U.S. military and civilian personnel in Colombia; and
  - Authority to provide support to certain foreign governments (mostly in South and Central America, Central Asia, and West Africa).
- Authorizes \$32 million for the procurement of Mi-17 helicopters for training activities in the United States with the Afghanistan counternarcotics forces.
- Recommends reductions to the counternarcotics activities of U.S. European Command to reflect changes in the Unified Command Plan which assigns the African continent to U.S. Africa Command.
- Directs the Secretary of Defense to provide a report documenting the total amount of counterdrug assistance that foreign countries have received in FY2009 on a per country basis and organized by the location.
- Directs the Secretary of Defense to provide a report outlining each counter threat finance activity currently being conducted by DOD, including the defense intelligence agencies, and including those efforts DOD may be a part of but for which other government agencies may be the lead.

## **Science and Technology**

- Increases funding for science and technology programs investing in next-generation technologies and advanced military capabilities developed by universities, small businesses, and other entities to a total of \$11.8 billion for FY2010, including supporting Secretary Gates' requested increases in basic research and medical research investments.
- Reauthorizes the DOD Small Business Innovation Research and DOD Small Business Technology Transfer programs, and Small Business Innovation Research Commercialization Pilot Program through FY2010. These programs invest in innovative small businesses to develop new technologies to support national defense.
- Directs the initiation of new laboratory personnel demonstration projects at a number of DOD laboratories, and prohibits labs executing personnel demonstration programs from being transferred into other personnel systems without prior Congressional approval.

## **Special Operations**

- Provides an increase of \$100 million for unfunded requirements identified by the Commander of USSOCOM, including funds for additional gunship capabilities, multi-band inter/intra team radios, and visual augmentation systems.
- Increases the annual authority, from \$35 million to \$40 million, for special operations forces to provide support to foreign forces, groups, and individuals assisting in ongoing U.S. military operations. The conference report also expands and enhances the notification and reporting requirements under this authority.
- Requires reports on enabling requirements for special operations forces, USSOCOM manning and organization, and the service life of the current fleet of AC-130 gunships.

## **SUBCOMMITTEE ON STRATEGIC FORCES**

The Strategic Forces conference panel reviewed DOD programs for national security space, strategic forces, ballistic missile defense, intelligence, reconnaissance and surveillance, and cyber security, as well as DOE nuclear and environmental management programs.

## **Ballistic Missile Defense**

- The conference report authorizes funding for the Missile Defense Agency at the level requested by the President – \$7.8 billion.
- The conference report supports all the missile defense decisions announced by the Secretary of Defense on April 6<sup>th</sup>, including:
  - Adds \$700 million to field additional THAAD and Standard Missile-3 theater missile defense systems;
  - Adds \$200 million for conversion of six additional Aegis ships for missile defense capabilities;
  - Caps deployment of Ground-Based Interceptors (GBIs) at 30, and produces all GBIs on contract;
  - Termination of the MKV program;
  - Termination of the KEI program;
  - Cancellation of the ABL aircraft, and refocus the ABL program as a technology research effort.
- Authorizes an increase of \$23 million for procurement of additional Standard Missile-3 Block IA interceptor missiles for the Aegis Ballistic Missile Defense system.
- Authorizes an increase of \$20 million for sustainment of the Ground-Based Interceptor vendor base.

- Authorizes an increase of \$25 million for the joint U.S.-Israeli development program of a short-range ballistic missile defense system.
- Includes a provision that would authorize \$309 million of funds available for the previously proposed “third site” missile defense system to be used for the development and deployment of alternative missile defense systems to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles.
- Includes a provision expressing the sense of Congress that the United States and Poland should seek to implement the terms of their Declaration on Strategic Cooperation, including cooperation on the deployment of a U.S. Army Patriot air and missile defense battery in Poland.
- Includes a provision that would require a comprehensive test and evaluation plan for U.S. ballistic missile defense programs.
- Includes a provision that would require the Secretary of Defense to submit a report on potential ballistic missile cooperation with Russia.
- Includes a provision that would require a detailed assessment of the Ground-based Midcourse Defense (GMD) system, and a detailed plan for how DOD will achieve and sustain its planned GMD capability.
- Includes a provision that would address the continued production of Ground-Based Interceptors and the operation of such interceptors in Alaska.
- Includes a provision that would require DOD to submit a strategy and plan on ascent-phase missile defense.

### **Space Programs**

- Requires DOD, the Department of Commerce, and the National Aeronautic and Space Administration to complete a program management and funding plan, and an implementation plan for the National Polar-Orbiting Operational Environmental Satellite System (NPOESS). The Air Force is prohibited from spending more than 50 percent of the funds available for NPOESS until the management plan is submitted and from spending more than 75 percent of the funds until the implementation plan is submitted.
- Provides \$50 million for new military satellite communications technology development for future applications.
- Directs DOD to submit a plan to develop competitively a commercial 1.5-meter imaging satellite by mid next decade.

## **Other Legislative Provisions**

- Requires the Secretary of Defense and the Director of National Intelligence to report on the plan to meet the bandwidth requirements of each major acquisition program.
- Makes permanent the commercial and foreign entities program to share space situational awareness data.
- Requires a report and plan by the President in conjunction with Senate consideration of a follow-on to the Strategic Arms Reduction (START) Treaty to enhance the safety, security, and reliability of the nuclear weapons stockpile, modernize the nuclear weapons complex, and maintain the delivery platforms for nuclear weapons.

## **Department of Energy Programs**

- Establishes a stockpile management program, which includes the life extension programs for nuclear weapons, under the stockpile stewardship umbrella.
- Includes a provision that defines elements of the stockpile management program, including efforts to sustain nuclear weapons safely, securely, and reliably without nuclear testing; and repeals the provision directing DOE to develop a Reliable Replacement Warhead (RRW).
- Authorizes the NNSA Administrator to establish a dual validation program to improve nuclear weapons surveillance.
- Provides additional \$25 million for DOE additional nuclear weapons dismantlement, certification, and surety.
- Directs GAO to oversee implementation of the Environmental Management activities under the American Recovery and Reinvestment Act of 2009.
- Provides Environmental Management funding at the budget request.

## **Other Items**

- Supports the development of next-generation bomber technologies.

## **SUBCOMMITTEE ON SEAPOWER**

The Seapower conference panel focused on the needs of the Navy, Marine Corps, and strategic mobility forces. The conference panel put particular emphasis on supporting marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher-priority programs.

- Provides full funding at the budget request level for most programs, including: Carrier Replacement Program; *Virginia*-class submarine; DDG-1000; DDG-51; Littoral Combat Ship (LCS); T-AKE dry cargo/ammunition ship; and V-22 aircraft.
- Approves the Navy's plan to change the acquisition strategy for the LCS program, by conducting a winner-take-all down select for two ships in FY2010, with fixed price options for two ships per year for the next four years thereafter.
- Requires DOD to treat the LCS as a Major Defense Acquisition Program (MDAP).
- Requires that the Navy conduct certain analyses before committing any funds to buy a future surface combatant after FY2011 to ensure that this acquisition program gets off on the right track.
- Adds \$15 million for a mobile maritime sensor development program to provide options for the Navy in meeting its sea-based missile defense requirements.
- Provides authority for a temporary reduction in aircraft carrier force levels, as requested by DOD.
- Prohibits retirement of C-5 aircraft before the Air Force completes testing, and reports on the results of tests of the C-5 Reliability Enhancement and Re-engining program (RERP).
- Requires the Secretary of the Air Force to submit certain analyses before retiring any of the strategic airlift aircraft after that prohibition expires.

### **OTHER ITEMS INCLUDED IN THE CONFERENCE REPORT**

#### **Detainee Matters**

- The conference report contains the Military Commissions Act of 2009, which would replace the Military Commissions Act of 2006. The new legislation would ensure a fair and impartial process consistent with the ruling of the 2006 decision of the Supreme Court in the Hamdan case that is closer to the process used in trials by courts-martial by:
  - 1) Precluding the use of coerced testimony;
  - 2) Strictly limiting the use of hearsay testimony;
  - 3) Establishing new procedures for handling classified information, based on the Classified Information Protection Act, which is applicable in the civilian courts;
  - 4) Providing defendants with access to witnesses and documentary evidence comparable to the access available to defendants in civilian courts; and
  - 5) Requiring that defendants be provided appropriate representation and adequate resources.
- The conference report includes provisions that: (1) prohibits the use of contractor employees to conduct detainee interrogations; (2) requires that detainee strategic interrogations be

videotaped; (3) requires DOD to provide the International Committee of the Red Cross prompt access to detainees in DOD custody at the Bagram Theater Internment Facility in Afghanistan; and (4) prohibits military and intelligence officials from reading Miranda warnings to foreign nationals in the custody of DOD who are captured and detained outside the United States as enemy belligerents.

- The conference report also prohibits the release of detainees from Guantanamo Bay to the United States, its territories, or possessions for the period beginning on October 1, 2009 and ending on December 31, 2010. Prior to any transfer of detainees to the United States, its territories, or possessions, the President would be required to provide a comprehensive disposition plan to Congress at least 45 days prior to the transfer of any detainee, including a risk assessment relating to the transfer, a proposal for disposition, the risk mitigation measures to be taken, the location or locations where the detainee would be held, the costs associated with executing the plan, including technical and financial assistance to be provided to State and local law enforcement, and a summary of required consultations with State officials regarding the transfer.

### **Hate Crimes**

- The conference report contains the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which would: (1) prohibit hate crimes based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person; (2) provide support for the criminal investigation and prosecution of hate crimes by State, local, and tribal law enforcement officials; and (3) prohibit attacks on United States service members based on their military service.

### **Quadrennial Defense Review**

- Adds eight additional congressionally appointed members to the statutory Independent Panel of the 2009 Quadrennial Defense Review (QDR), including congressionally appointed members on the QDR's bipartisan independent panel of experts should build confidence in the objectivity and comprehensiveness of DOD's analytical processes, findings, and recommendations.

### **Building Partnership Capacity**

The bill supports the Secretary of Defense's goal of building the capacity of coalition allies and partners to provide security and stability, including:

- Extends the authority for DOD to transfer up to \$100 million to the State Department to support State Department programs for security and stabilization assistance.
- Stipulates that funds available for DOD's program to build the capacity of partner nations ("Section 1206") may be used to build the capacity of coalition partners in Iraq and Afghanistan to conduct stabilization operations and special operations.

- Provides increased flexibility for the use of the Combatant Commander Initiative Fund to purchase items to respond to unanticipated needs or opportunities.
- Allows DOD to pay administrative costs to support liaison officers from coalition partners who are temporarily assigned to U.S. Joint Forces Command.
- Authorizes the use of DOD funding for the North Atlantic Treaty Organization (NATO) Special Operations Coordination Center to improve coordination and cooperation among the special operations forces of NATO nations.

### **Afghanistan, Pakistan, and Iraq Authorities**

The bill provides critical funding and authorities for operations in Iraq and Afghanistan/Pakistan, including:

- Authorizes full funding for the President's request for \$7.5 billion to train and equip the Afghan National Army and the Afghan National Police.
- Provides for the Secretary of Defense, with the concurrence of the Secretary of State, to transfer U.S. defense articles currently located in Iraq to the security forces of Iraq or the security forces of Afghanistan to support their efforts to provide for internal security.
- Authorizes up to \$1.3 billion for the CERP in Iraq and Afghanistan for humanitarian relief and reconstruction projects that directly benefit local communities and authorizes using up to \$50 million in CERP funds to support the Afghanistan National Solidarity Program to promote Afghan-led community development.
- Provides oversight of the Pakistan Counterinsurgency Fund, to be resourced with up to \$700 million transferred from the State Department, for building the capability of Pakistan's military forces, police forces, and Frontier Corps to conduct counterinsurgency operations against militant extremists.
- Authorizes the President's request for \$1.6 billion in Coalition Support Funds to reimburse Pakistan and other key partner nations for support they provide U.S. military operations in Operation Enduring Freedom or Operation Iraqi Freedom.
- Requires DOD to establish a program of registration and end-use monitoring for defense articles and defense services provided to Afghanistan and Pakistan.

### **National Security Personnel System**

- The conference report repeals the authority for the NSPS and requires the transition of NSPS employees to previously existing civilian personnel systems, while providing DOD with new personnel flexibilities – in the areas of hiring and assigning personnel and appraising employee performance – that would extend across the entire DOD civilian workforce. The

Secretary of Defense would be afforded an opportunity to propose additional personnel flexibilities, if he determines that such flexibilities would be in the best interest of DOD.

### **Counter Piracy**

- Requires the Secretary of State and Secretary of Defense to report jointly on efforts to ease domestic and international restrictions that limit the ability of U.S.-flagged commercial ships to carry firearms and employ armed security teams to provide for their self-defense when transiting areas at high risk for piracy, and to report on efforts to establish standards, in coordination with the Department of Homeland Security and the U.S. Coast Guard, for the training and qualifications of such armed security teams.

### **Iran**

- Expresses the sense of Congress on imposing additional sanctions against the Islamic Republic of Iran should: Iran fail to accept the offer of the United States to engage in diplomatic talks; Iran fail to suspend all enrichment-related and reprocessing activities; and the United Nations Security Council fail to adopt additional sanctions against the Islamic Republic of Iran.
- Requires the President, no later than January 31, 2010, to deliver a report to Congress on U.S. engagement with the Islamic Republic of Iran.
- Requires the Secretary of Defense to submit an annual report to Congress on the current and future military strategy of the Islamic Republic of Iran.

### **Victims of Iranian Censorship Act**

- Authorizes an additional \$15 million for the Broadcasting Board of Governors to expand Farsi language programming by Radio Free Europe / Radio Liberty's Radio Farda and the Voice of America's Persian News Network, and an additional \$15 million to expand Farsi language transmission.
- Authorizes \$20 million for a new "Iranian Electronic Education, Exchange, and Media Fund," which will support the development of technologies, including websites, that will aid the ability of the Iranian people to gain access to and share information; counter efforts to block, censor, or monitor the Internet in Iran; and engage in Internet-based education programs and other exchanges with Americans online.
- Authorizes \$5 million for the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the June 12, 2009, Iranian election.
- Requires the President to direct appropriate officials to examine claims that non-Iranian companies, including corporations with U.S. subsidiaries, have aided the Iranian

government's Internet censorship efforts, including by providing deep packet inspection technology.

### **China**

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

### **North Korea**

- Requires a report from the President on whether or not North Korea has sponsored terrorism or terrorist activities over the past year and expresses the sense of Congress that the United States and United Nations member states should fully enforce the United Nations sanctions placed on North Korea.

### **Other Item**

- Establishes a requirement for a report on nuclear weapons program aspirations of non-state actors and states who are not parties to the Nonproliferation Treaty (NPT) or who are not nuclear weapons states under the NPT.

#####