

A BILL

To authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America*
2 *in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2011”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

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Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Joint Improvised Explosive Device Defeat Fund.
Sec. 106. Defense Production Act Purchases.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

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Sec. 301. Operation and maintenance funding.

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Sec. 311. Payment to Environmental Protection Agency of stipulated penalties in connection with Naval Air Station, Brunswick, Maine.

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- Sec. 332. Four-year extension of authority to provide logistics support and services for weapons systems contractors.
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- Sec. 401. End strengths for active forces.
Sec. 402. Revision to permanent end strength levels for the Navy and Air Force.

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- Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
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Sec. 416. Navy Reserve flag officer allocation; removal of statutory distribution limits.

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- Sec. 421. Military personnel.

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Sec. 502. Technical revisions to definition of "joint matters" for purposes of joint officer management.
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- Sec. 541. Authority for award of Bronze Star medal to members of military forces of friendly foreign nations.

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PROPERTY

- Sec. 1501. Alternative use of proceeds from the sale of military family housing.
- Sec. 1502. Increase in dollar thresholds for authorities relating to unspecified minor construction projects.

1 **TITLE I—PROCUREMENT**

2 **SEC. 101. ARMY.**

3 Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for
4 the Army as follows:

- 5 (1) For aircraft, \$5,976,867,000.
- 6 (2) For missiles, \$1,887,437,000.
- 7 (3) For weapons and tracked combat vehicles, \$1,723,561,000.
- 8 (4) For ammunition, \$1,979,414,000.
- 9 (5) For other procurement, \$9,765,808,000.

10 **SEC. 102. NAVY AND MARINE CORPS.**

11 (a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2011 for
12 procurement for the Navy as follows:

- 13 (1) For aircraft, \$18,508,613,000.
- 14 (2) For weapons, including missiles and torpedoes, \$3,359,794,000.
- 15 (3) For shipbuilding and conversion, \$15,724,520,000.

1 (4) For other procurement, \$6,450,208,000.

2 (b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2011
3 for procurement for the Marine Corps in the amount of \$1,344,044,000.

4 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be
5 appropriated for fiscal year 2011 for procurement of ammunition for the Navy and the Marine
6 Corps in the amount of \$817,991,000.

7 **SEC. 103. AIR FORCE.**

8 Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for
9 the Air Force as follows:

10 (1) For aircraft, \$15,366,508,000.

11 (2) For ammunition, \$667,420,000.

12 (3) For missiles, \$5,463,272,000.

13 (4) For other procurement, \$17,845,380,000.

14 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

15 Funds are hereby authorized to be appropriated for fiscal year 2011 for Defense-wide
16 procurement in the amount of \$4,280,368,000.

17 **SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

18 Funds are hereby authorized to be appropriated for fiscal year 2011 for the Joint
19 Improvised Explosive Device Defeat Fund in the amount of \$215,868,000.

20 **SEC. 106. DEFENSE PRODUCTION ACT PURCHASES.**

21 Funds are hereby authorized to be appropriated for fiscal year 2011 for Defense
22 Production Act purchases in the amount of \$28,746,000.

23 **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

1 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

2 Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the
3 Department of Defense for research, development, test, and evaluation as follows:

- 4 (1) For the Army, \$10,333,392,000.
- 5 (2) For the Navy, \$17,693,496,000.
- 6 (3) For the Air Force, \$27,247,302,000.
- 7 (4) For Defense-wide activities, \$20,856,510,000, of which \$194,910,000 is
8 authorized for the Director of Operational Test and Evaluation.

9 **TITLE III—OPERATION AND MAINTENANCE**

10 **Subtitle A—Authorization of Appropriations**

11 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

12 Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the
13 Armed Forces and other activities and agencies of the Department of Defense for expenses, not
14 otherwise provided for, for operation and maintenance in amounts as follows:

- 15 (1) For the Army, \$33,971,965,000.
- 16 (2) For the Navy, \$38,134,308,000.
- 17 (3) For the Marine Corps, \$5,590,340,000.
- 18 (4) For the Air Force, \$36,844,512,000.
- 19 (5) For Defense-wide activities, \$30,583,896,000.
- 20 (6) For the Army Reserve, \$2,879,077,000.
- 21 (7) For the Navy Reserve, \$1,367,764,000.
- 22 (8) For the Marine Corps Reserve, \$285,234,000.
- 23 (9) For the Air Force Reserve, \$3,301,035,000.

- 1 (10) For the Army National Guard, \$6,572,704,000.
- 2 (11) For the Air National Guard, \$5,941,143,000.
- 3 (12) For the United States Court of Appeals for the Armed Forces, \$14,068,000.
- 4 (13) For the Acquisition Workforce Development Fund, \$217,561,000.
- 5 (14) For Environmental Restoration, Army, \$444,581,000.
- 6 (15) For Environmental Restoration, Navy, \$304,867,000.
- 7 (16) For Environmental Restoration, Air Force, \$502,653,000.
- 8 (17) For Environmental Restoration, Defense-wide, \$10,744,000.
- 9 (18) For Environmental Restoration, Formerly Used Defense Sites, \$276,546,000.
- 10 (19) For Overseas Humanitarian, Disaster, and Civic Aid programs,
- 11 \$108,032,000.
- 12 (20) For Cooperative Threat Reduction programs, \$522,512,000.
- 13 (21) For the Overseas Contingency Operations Transfer Fund, \$5,000,000.

14 **Subtitle B—Environmental Provisions**

15 **SEC. 311. PAYMENT TO ENVIRONMENTAL PROTECTION AGENCY OF**

16 **STIPULATED PENALTIES IN CONNECTION WITH NAVAL AIR**

17 **STATION, BRUNSWICK, MAINE**

18 (a) AUTHORITY TO TRANSFER FUNDS.—

19 (1) TRANSFER AMOUNT.—Using funds described in subsection (b) and

20 notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense

21 may transfer not more than \$153,000 to the Hazardous Substance Superfund.

22 (2) PURPOSE OF TRANSFER.—The payment under paragraph (1) is to satisfy a

23 stipulated penalty assessed by the Environmental Protection Agency on June 12, 2008,

1 against Naval Air Station, Brunswick, Maine, for the failure by the Navy to timely
2 sample certain monitoring wells pursuant to a schedule included in a Federal Facility
3 Agreement.

4 (3) FEDERAL FACILITY AGREEMENT.—The stipulated penalty described in
5 paragraph (2) is provided for in the Federal Facility Agreement entered into by the
6 Department of the Navy and the Environmental Protection Agency for Naval Air Station,
7 Brunswick, on October 19, 1990.

8 (b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds
9 authorized to be appropriated for fiscal year 2011 for the Department of Defense Base Closure
10 Account 2005.

11 (c) USE OF FUNDS.—The Environmental Protection Agency shall accept the amount
12 transferred under subsection (a) as payment of the penalty described under paragraph (2) of such
13 subsection.

14 **Subtitle C—Workplace and Depot Issues**

15 **SEC. 321. PUBLIC-PRIVATE PARTNERSHIPS BETWEEN ARMY INDUSTRIAL** 16 **FACILITIES AND PRIVATE ENTITIES.**

17 (a) EXPANDED AUTHORITY.—Section 4544 of title 10, United States Code, is amended—

18 (1) in subsection (a), by striking the last sentence;

19 (2) in subsection (d)—

20 (A) in paragraph (1), by inserting “multiyear” after “fixed-price”;

21 (B) by striking paragraph (2); and

22 (C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3),

23 and (4), respectively; and

1 (3) by striking subsection (k).

2 (b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the
3 earlier of the effective date of any regulations prescribed to implement those amendments or the
4 date that is 90 days after the date of the enactment of this Act.

5 **Subtitle D—Other Matters**

6 **SEC. 331. REFINED PETROLEUM PRODUCTS, MARGINAL EXPENSE TRANSFER** 7 **ACCOUNT.**

8 (a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by inserting
9 after section 2228 the following new section:

10 **“§ 2228a. Refined petroleum products, marginal expense transfer account**

11 “(a) ACCOUNT.—There is established in the Treasury the ‘Refined Petroleum Products,
12 Marginal Expense Transfer Account’ (‘Transfer Account’). During any fiscal year, amounts in
13 the Transfer Account shall be available without further appropriation to pay the marginal costs
14 needed to purchase up to the quantity of refined petroleum products specified in the fiscal year
15 budget request for use by Department of Defense entities for such year.

16 “(b) CALCULATION OF MARGINAL COSTS.—Marginal costs shall be calculated as the
17 difference between the actual market prices paid by the Department of Defense for the refined
18 petroleum products in a fiscal year and the prices specified for the purchase of such products in
19 the President’s budget for that year.

20 “(c) TRANSFER OF FUNDS.—(1) During the course of any fiscal year, amounts sufficient
21 to pay the marginal costs under subsection (a) shall be transferred from the Transfer Account to
22 the Defense-Wide Working Capital Fund.

1 “(2) To the extent that the price specified for the purchase of refined petroleum products
2 in the President’s budget submission for a fiscal year exceed the actual market prices paid by the
3 Department for such products purchased in that year, the difference in price shall be transferred
4 from the Defense-Wide Working Capital Fund to the Transfer Fund and such amounts shall be
5 cancelled.

6 “(3) The transfer of such additional amount needed, amounts not needed through August,
7 and an estimate for September should be transferred before the end of the fiscal year, with a final
8 accounting and transfer within 60 days after the end of the fiscal year.

9 “(4) The transfer authority provided by this section is in addition to any other transfer
10 authority available to the Department of Defense.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—There is appropriated to the Transfer
12 Account such sums as may be necessary to carry out this section.”.

13 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is
14 amended by inserting after the item relating to section 2228 the following new item:

“2228a. Refined petroleum products, marginal expense transfer account.”.

15 **SEC. 332. FOUR-YEAR EXTENSION OF AUTHORITY TO PROVIDE LOGISTICS**

16 **SUPPORT AND SERVICES FOR WEAPONS SYSTEMS**

17 **CONTRACTORS.**

18 Section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year
19 2003 (Public Law 107-314; 10 U.S.C. 2302 note) is amended by striking “September 30, 2010”
20 and inserting “September 30, 2014”.

21 **SEC. 333. PERMANENT AUTHORITY FOR REIMBURSEMENT OF EXPENSES FOR**

22 **CERTAIN NAVY MESS OPERATIONS.**

1 Section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year
2 2009 (Public Law 110-417; 122 Stat. 4585) is amended—

3 (1) in subsection (a), by inserting “annually” after “may be used”;

4 (2) by striking subsection (b);

5 (3) by redesignating subsection (c) as subsection (b); and

6 (4) in subsection (b), as redesignated by paragraph (3)—

7 (A) by striking “during which the authority to pay for meals under
8 subsection (a) is in effect”; and

9 (B) by striking “such authority” and inserting “the authority to pay for
10 meals under subsection (a)”.

11 **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

12 **Subtitle A—Active Forces**

13 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

14 The Armed Forces are authorized strengths for active duty personnel as of September 30,
15 2011, as follows:

16 (1) The Army, 569,400.

17 (2) The Navy, 328,700.

18 (3) The Marine Corps, 202,100.

19 (4) The Air Force, 332,200.

20 **SEC. 402. REVISION TO PERMANENT END STRENGTH LEVELS FOR THE NAVY 21 AND AIR FORCE.**

22 Section 691(b) of title 10, United States Code, is amended—

23 (1) in paragraph (2), by striking “328,800” and inserting “324,300”; and

1 (2) in paragraph (4), by striking “331,700” and inserting “332,200”.

2 **Subtitle B—Reserve Forces**

3 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

4 (a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve
5 personnel of the reserve components as of September 30, 2011, as follows:

6 (1) The Army National Guard of the United States, 358,200.

7 (2) The Army Reserve, 205,000.

8 (3) The Navy Reserve, 65,500.

9 (4) The Marine Corps Reserve, 39,600.

10 (5) The Air National Guard of the United States, 106,700.

11 (6) The Air Force Reserve, 71,200.

12 (7) The Coast Guard Reserve, 10,000.

13 (b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the
14 Selected Reserve of any reserve component shall be proportionately reduced by—

15 (1) the total authorized strength of units organized to serve as units of the Selected
16 Reserve of such component which are on active duty (other than for training) at the end
17 of the fiscal year; and

18 (2) the total number of individual members not in units organized to serve as units
19 of the Selected Reserve of such component who are on active duty (other than for
20 training or for unsatisfactory participation in training) without their consent at the end of
21 the fiscal year.

22 (c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected
23 Reserve of any reserve component are released from active duty during any fiscal year, the end

1 strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall
2 be increased proportionately by the total authorized strengths of such units and by the total
3 number of such individual members.

4 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF**
5 **THE RESERVES.**

6 Within the end strengths prescribed in section 411(a), the reserve components of the
7 Armed Forces are authorized, as of September 30, 2011, the following number of Reserves to be
8 serving on full-time active duty or full-time duty, in the case of members of the National Guard,
9 for the purpose of organizing, administering, recruiting, instructing, or training the reserve
10 components:

- 11 (1) The Army National Guard of the United States, 32,060.
- 12 (2) The Army Reserve, 16,261.
- 13 (3) The Navy Reserve, 10,688.
- 14 (4) The Marine Corps Reserve, 2,261.
- 15 (5) The Air National Guard of the United States, 14,584.
- 16 (6) The Air Force Reserve, 2,992.

17 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

18 The minimum number of military technicians (dual status) as of the last day of fiscal year
19 2011 for the reserve components of the Army and the Air Force (notwithstanding section 129 of
20 title 10, United States Code) shall be the following:

- 21 (1) For the Army Reserve, 8,537.
- 22 (2) For the Army National Guard of the United States, 27,210.
- 23 (3) For the Air Force Reserve, 10,720.

1 (4) For the Air National Guard of the United States, 22,394.

2 **SEC. 414. FISCAL YEAR 2011 LIMITATION ON NUMBER OF NON-DUAL STATUS**
3 **TECHNICIANS.**

4 (a) LIMITATIONS—

5 (1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of
6 title 10, United States Code, the number of non-dual status technicians employed by the
7 National Guard as of September 30, 2011, may not exceed the following:

8 (A) For the Army National Guard of the United States, 2,520.

9 (B) For the Air National Guard of the United States, 350.

10 (2) ARMY RESERVE.—The number of non-dual status technicians employed by the
11 Army Reserve as of September 30, 2011, may not exceed 453.

12 (3) AIR FORCE RESERVE.—The number of non-dual status technicians employed
13 by the Air Force Reserve as of September 30, 2011, may not exceed 90.

14 (b) NON-DUAL STATUS TECHNICIANS DEFINED.— In this section, the term “non-dual
15 status technician” has the meaning given that term in section 10217(a) of title 10, United States
16 Code.

17 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE**
18 **ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

19 During fiscal year 2011, the maximum number of members of the reserve components of
20 the Armed Forces who may be serving at any time on full-time operational support duty under
21 section 115(b) of title 10, United States Code, is the following:

22 (1) The Army National Guard of the United States, 17,000.

23 (2) The Army Reserve, 13,000.

1 (3) The Navy Reserve, 6,200.

2 (4) The Marine Corps Reserve, 3,000.

3 (5) The Air National Guard of the United States, 16,000.

4 (6) The Air Force Reserve, 14,000.

5 **SEC. 416. NAVY RESERVE FLAG OFFICER ALLOCATION; REMOVAL OF**
6 **STATUTORY DISTRIBUTION LIMITS.**

7 Section 12004(c) of title 10, United States Code, is amended by striking paragraphs (2),
8 (3), and (5).

9 **Subtitle C—Authorization of Appropriations**

10 **SEC. 421. MILITARY PERSONNEL.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated
12 for military personnel for fiscal year 2011 a total of \$127,668,630,000.

13 (b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in
14 subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for
15 such purpose for fiscal year 2011.

16 **TITLE V—MILITARY PERSONNEL AUTHORIZATIONS**

17 **Subtitle A—Officer Personnel Policy**

18 **SEC. 501. PROMOTION LIST REMOVAL ACTIONS.**

19 (a) ACTIVE-DUTY LIST.—Section 629 of title 10, United States Code, is amended—

20 (1) by redesignating subsection (d) as subsection (e); and

21 (2) by inserting after subsection (c) the following new subsection (d):

22 “(d) ADMINISTRATIVE REMOVAL.—If an officer on the active-duty list is discharged or
23 dropped from the rolls, transferred to a retired status, or found to have been erroneously included

1 in a zone of consideration, after having been recommended for promotion to a higher grade
2 under this chapter, but before being promoted, the officer shall be administratively removed from
3 the promotion list under regulations prescribed by the Secretary concerned.”.

4 (b) RESERVE ACTIVE-STATUS LIST.—Section 14310 of such title is amended by adding at
5 the end the following new subsection:

6 “(d) ADMINISTRATIVE REMOVAL.—If an officer on the reserve active-status list is
7 discharged or dropped from the rolls, transferred to a retired status, or found to have been
8 erroneously included in a zone of consideration, after having been recommended for promotion
9 to a higher grade under this chapter or after having been found qualified for Federal recognition
10 in the higher grade under title 32, but before being promoted, the officer shall be administratively
11 removed from the promotion list under regulations prescribed by the Secretary concerned.”.

12 **SEC. 502. TECHNICAL REVISIONS TO DEFINITION OF “JOINT MATTERS” FOR**
13 **PURPOSES OF JOINT OFFICER MANAGEMENT.**

14 Section 668(a) of title 10, United States Code, is amended—

15 (1) in paragraph (1)—

16 (A) by striking “multiple” and inserting “integrated”; and

17 (B) by striking “and” at the end of the subparagraph (D) and inserting
18 “or”; and

19 (2) in paragraph (2)—

20 (A) by striking “multiple” and inserting “integrated”; and

21 (B) by striking “participants from” and all that follows and inserting
22 ”participants from—

23 “(A) more than one military department; or

1 “(B) a military department and one or more of the following:

2 “(i) Other departments and agencies of the United States.

3 “(ii) The military forces or agencies of other countries.

4 “(iii) Non-governmental persons or entities.”.

5 **SEC. 503. ELIGIBILITY OF OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR**
6 **SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD**
7 **PERFORMANCE AND OTHER REASONS.**

8 (a) ACTIVE DUTY.—Section 1187 of title 10, United States Code, is amended—

9 (1) in subsection (a), by striking paragraphs (2) and (3) and inserting the
10 following:

11 “(2) Each member of the board shall be senior in rank or grade to the officer being
12 required to show cause for retention on active duty and at least one member of the
13 board—

14 “(A) shall be in or above the grade of major or lieutenant commander if
15 the grade of the officer being required to show cause for retention on active duty,
16 is below the grade of major or lieutenant commander; or

17 “(B) shall be in a grade above lieutenant colonel or commander if the
18 grade of the officer being required to show cause for retention on active duty, is
19 major or lieutenant commander or above.”;

20 (2) in subsection (b), by striking “officer—” and all that follows through the
21 period at the end and inserting “meets the grade requirements of subsection (a)(2).”; and

22 (3) by adding at the end the following new subsection:

23 “(e) REGULATIONS.—The Secretary of a military department may prescribe regulations

1 limiting the eligibility of officers to serve as board members to those otherwise qualified officers
2 who, in the opinion of the Secretary, are suited for that duty by reason of age, education, training,
3 experience, length of service, and temperament.”.

4 (b) RESERVES.—Section 14906 of such title is amended—

5 (1) in subsection (a), by striking paragraphs (2) and (3) and inserting the
6 following:

7 “(2) Each member of the board shall be senior in rank or grade to the officer being
8 required to show cause for retention in an active status and at least one member of the
9 board—

10 “(A) shall be in or above the grade of major or lieutenant commander if
11 the grade of the officer being required to show cause for retention in an active
12 status is below the grade of major or lieutenant commander; or

13 “(B) shall be in a grade above lieutenant colonel or commander if the
14 grade of the officer being required to show cause for retention in an active status
15 is major or lieutenant commander or above.”; and

16 (2) by adding at the end the following new subsection:

17 “(c) REGULATIONS.—The Secretary of a military department may prescribe regulations
18 limiting the eligibility of officers to serve as board members to those otherwise qualified officers
19 who, in the opinion of the Secretary, are suited for that duty by reason of age, education, training,
20 experience, length of service, and temperament.”.

21 **SEC. 504. TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF**
22 **COMMISSIONED SERVICE REQUIRED FOR VOLUNTARY**
23 **RETIREMENT AS AN OFFICER.**

1 (a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by striking
2 “January 6, 2006 and ending on December 31, 2008” and inserting “the date of the enactment of
3 the National Defense Authorization Act for Fiscal Year 2011 and ending on September 30,
4 2013”.

5 (b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by
6 striking “January 6, 2006 and ending on December 31, 2008” and inserting “the date of the
7 enactment of the National Defense Authorization Act for Fiscal Year 2011 and ending on
8 September 30, 2013”.

9 (c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking “January 6, 2006
10 and ending on December 31, 2008” and inserting “the date of the enactment of the National
11 Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013”.

12 **Subtitle B—General Service Authorities**

13 **SEC. 511. AUTHORITY FOR ASSIGNMENT OF AIR FORCE RESERVE MILITARY** 14 **TECHNICIANS (DUAL STATUS) TO POSITIONS OUTSIDE AIR FORCE** 15 **RESERVE UNIT PROGRAM.**

16 Section 10216(d)(2) of title 10, United States Code, is amended by inserting “or by the
17 Air Force Reserve in an area other than the Air Force Reserve unit program” before the period at
18 the end.

19 **Subtitle C—Education and Training**

20 **SEC. 521. REPAYMENT OF EDUCATION LOAN REPAYMENT BENEFITS.**

21 (a) ENLISTED MEMBERS ON ACTIVE DUTY IN SPECIFIED MILITARY SPECIALTIES.—Section
22 2171 of title 10, United States Code, is amended by adding at the end the following new
23 subsections:

1 “(g) Except a person described in subsection (e) who transfers to service making the
2 person eligible for repayment of loans under section 16301 of this title, a member of the armed
3 forces who fails to complete the period of service required to qualify for loan repayment under
4 this section shall be subject to the repayment provisions of section 303a(e) of title 37.

5 “(h) The Secretary of Defense may prescribe, by regulations, procedures for
6 implementing this section, including standards for qualified loans and authorized payees and
7 other terms and conditions for making loan repayments. Such regulations may include
8 exceptions that would allow for the payment as a lump sum of any loan repayment due to a
9 member under a written agreement that existed at the time of a member’s death or disability.”.

10 (b) MEMBERS OF SELECTED RESERVE.—Section 16301 of such title is amended by adding
11 at the end the following new subsections:

12 “(h) Except a person described in subsection (e) who transfers to service making the
13 person eligible for repayment of loans under section 2171 of this title, a member of the armed
14 forces who fails to complete the period of service required to qualify for loan repayment under
15 this section shall be subject to the repayment provisions of section 303a(e) of title 37.

16 “(i) The Secretary of Defense may prescribe, by regulations, procedures for
17 implementing this section, including standards for qualified loans and authorized payees and
18 other terms and conditions for making loan repayments. Such regulations may include
19 exceptions that would allow for the payment as a lump sum of any loan repayment due to a
20 member under a written agreement that existed at the time of a member’s death or disability.”.

21 **SEC. 522. PARTICIPATION OF HEALTH PROFESSIONS SCHOLARSHIP**

22 **RECIPIENTS IN ACTIVE DUTY HEALTH PROFESSION LOAN**

23 **REPAYMENT PROGRAM.**

1 Section 2173(c) of title 10, United States Code, is amended by adding at the end the
2 following new paragraph:

3 “(4) The person is enrolled in the Armed Forces Health Professions Scholarship
4 and Financial Assistance Program under subchapter I of chapter 105 of this title for a
5 number of years less than is required to complete the normal length of the course of study
6 required for the specific health profession.”.

7 **SEC. 523. ADJUST SOLOMON AMENDMENT FEDERAL REGISTER REPORTING**
8 **REQUIREMENT.**

9 Section 983 of title 10, United States Code, is amended by striking subsection (f).

10 **Subtitle D—Military Justice and Legal Matters**

11 **SEC. 531. ENHANCED AUTHORITY TO PUNISH CONTEMPT IN MILITARY**
12 **JUSTICE PROCEEDINGS.**

13 (a) IN GENERAL.—The text of section 848 of title 10, United States Code (article 48 of
14 the Uniform Code of Military Justice), is amended to read as follows:

15 “(a) AUTHORITY TO PUNISH CONTEMPT.—A military judge detailed to any court-martial,
16 a Court of Inquiry, the Court of Appeals for the Armed Forces, a military Court of Criminal
17 Appeals, a provost court, or military commission may punish for contempt any person who—

18 “(1) uses any menacing word, sign, or gesture in its presence;

19 “(2) disturbs its proceedings by any riot or disorder; or

20 “(3) willfully disobeys the lawful writ, process, order, rule, decree, or command
21 of same.

22 “(b) PUNISHMENT.—The punishment for contempt under subsection (a) may not exceed
23 confinement for 30 days or a fine of \$1,000, or both.

1 “(c) INAPPLICABILITY TO MILITARY COMMISSIONS UNDER CHAPTER 47A.—This section
2 does not apply to a military commission established under chapter 47A of this title.”.

3 (b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to
4 acts of contempt described in section 848(a) of title 10, United States Code (article 48(a) of the
5 Uniform Code of Military Justice), as amended by subsection (a), that are committed after the
6 date of the enactment of this Act.

7 **SEC. 532. AUTHORITY TO COMPEL PRODUCTION OF DOCUMENTARY**

8 **EVIDENCE PRIOR TO TRIAL IN MILITARY JUSTICE CASES.**

9 (a) SUBPOENA DUCES TECUM.—Section 847 of title 10, United States Code (article 47 of
10 the Uniform Code of Military Justice), is amended—

11 (1) in subsection (a)(1), by striking “board;” and inserting “board or has been duly
12 issued a subpoena duces tecum for an investigation, including an investigation pursuant
13 to section 832(b) of this title (article 32(b)); and”; and

14 (2) in subsection (c), by striking “or board,” and inserting “board, trial counsel, or
15 convening authority,”.

16 (b) REPEAL OF OBSOLETE PROVISIONS RELATING TO FEES AND MILEAGE PAYABLE TO
17 WITNESSES.—Such section is further amended—

18 (1) in subsection (a)—

19 (A) by striking paragraph (2); and

20 (B) by redesignating paragraph (3) as paragraph (2); and

21 (2) by striking subsection (d).

1 (c) TECHNICAL AMENDMENTS.—Subsection (a) of such section is further amended by
2 striking “subpenaed” in paragraphs (1) and (2) (as redesignated by subsection (b)(1)(B)) and
3 inserting “subpoenaed”.

4 (d) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect
5 to subpoenas issued after the date of the enactment of this Act.

6 **Subtitle E—Decorations and Awards**

7 **SEC. 541. AUTHORITY FOR AWARD OF BRONZE STAR MEDAL TO MEMBERS OF** 8 **MILITARY FORCES OF FRIENDLY FOREIGN NATIONS.**

9 (a) AUTHORITY.—Section 1133 of title 10, United States Code, is amended—

10 (1) by striking “awarded to a member” and inserting “awarded to—

11 “(1) a member”;

12 (2) by striking the period at the end and inserting “; or”; and

13 (3) by adding at the end the following new paragraph:

14 “(2) a member of the military forces of a friendly foreign nation whose action
15 leading to a recommendation for award of the Bronze Star occurred in a geographic area
16 for which members of the armed forces are authorized special pay under section 310 of
17 title 37.”.

18 (b) CLERICAL AMENDMENTS.—

19 (1) SECTION HEADING.—The heading for such section is amended to read as
20 follows:

21 “§ 1133. **Bronze Star: limitation to members receiving imminent danger pay and members**
22 **of military services of friendly foreign nations in imminent-danger-pay**
23 **areas”.**

1 (2) TABLE OF SECTIONS.—The item relating to such section in the table of sections
2 at the beginning of chapter 57 of such title is amended to read as follows:

“1133. Bronze Star: limitation to members receiving imminent danger pay and members of military services of friendly foreign nations in imminent-danger-pay areas.”.

3 (b) EFFECTIVE DATE.—Paragraph (2) of section 1133 of title 10, United States Code, as
4 added by subsection (a)(2), shall take effect as of October 30, 2000.

5 **Subtitle F—Military Family Readiness Matters**

6 **SEC. 551. ADDITIONAL MEMBER OF DEPARTMENT OF DEFENSE MILITARY** 7 **FAMILY READINESS COUNCIL.**

8 (a) ADDITION OF THE SPOUSE OF A GENERAL OR ADMIRAL.—Paragraph (1) of section
9 1781a(b) of title 10, United States Code, is amended by inserting before the period at the end of
10 subparagraph (D) the following: “and in addition one individual appointed by the Secretary who
11 is the spouse of an officer serving in the grade of general or admiral”.

12 (b) TECHNICAL AMENDMENT.—Subparagraph (E) of such paragraph is amended by
13 striking “the senior” and all that follows through “member” and inserting “the senior enlisted
14 advisor, or the spouse of a senior enlisted member.”.

15 **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

16 **Subtitle A—Pay and Allowances**

17 **SEC. 601. REPEAL OF MANDATORY HIGH-DEPLOYMENT ALLOWANCE.**

18 (a) REPEAL OF AUTHORITY FOR PAYMENT OF HIGH-DEPLOYMENT ALLOWANCE.—

19 (1) IN GENERAL.—Section 436 of title 37, United States Code, is repealed.

20 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7
21 of such title is amended by striking the item relating to section 436.

1 (b) REPEAL OF REQUIREMENTS RELATING TO MANAGEMENT OF DEPLOYMENT OF
2 MEMBERS.—

3 (1) IN GENERAL.—Section 991 of title 10, United States Code, is repealed.

4 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50
5 of such title is amended by striking the item relating to section 991.

6 **Subtitle B—Bonuses and Special and Incentive Pays**

7 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY**

8 **AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.**

9 (a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are
10 amended by striking “December 31, 2010” and inserting “December 31, 2011”:

11 (1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

12 (2) Section 16302(d), relating to repayment of education loans for certain health
13 professionals who serve in the Selected Reserve.

14 (b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are
15 amended by striking “December 31, 2010” and inserting “December 31, 2011”:

16 (1) Section 302c-1(f), relating to accession and retention bonuses for
17 psychologists.

18 (2) Section 302d(a)(1), relating to accession bonus for registered nurses.

19 (3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

20 (4) Section 302g(e), relating to special pay for Selected Reserve health
21 professionals in critically short wartime specialties.

22 (5) Section 302h(a)(1), relating to accession bonus for dental officers.

23 (6) Section 302j(a), relating to accession bonus for pharmacy officers.

1 (7) Section 302k(f), relating to accession bonus for medical officers in critically
2 short wartime specialties.

3 (8) Section 302l(g), relating to accession bonus for dental specialist officers in
4 critically short wartime specialties.

5 (9) Section 335(k), relating to special bonus and incentive pay authorities for
6 officers in health professions.

7 **SEC. 612. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES**
8 **FOR NUCLEAR OFFICERS.**

9 The following sections of title 37, United States Code, are amended by striking
10 “December 31, 2010” and inserting “December 31, 2011”:

11 (1) Section 312(f), relating to special pay for nuclear-qualified officers extending
12 period of active service.

13 (2) Section 312b(c), relating to nuclear career accession bonus.

14 (3) Section 312c(d), relating to nuclear career annual incentive bonus.

15 (4) Section 333(i), relating to special bonus and incentive pay authorities for
16 nuclear officers.

17 **SEC. 613. ONE-YEAR EXTENSTION OF AUTHORITIES RELATING TO PAYMENT**
18 **OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.**

19 The following sections of title 37, United States Code, are amended by striking
20 “December 31, 2010” and inserting “December 31, 2011”:

21 (1) Section 301b(a), relating to aviation officer retention bonus.

22 (2) Section 307a(g), relating to assignment incentive pay.

23 (3) Section 308(g), relating to reenlistment bonus for active members.

1 (4) Section 309(e), relating to enlistment bonus.

2 (5) Section 324(g), relating to accession bonus for new officers in critical skills.

3 (6) Section 326(g), relating to incentive bonus for conversion to military
4 occupational specialty to ease personnel shortage.

5 (7) Section 327(h), relating to incentive bonus for transfer between armed forces.

6 (8) Section 329(j), relating to incentive bonus for retired members and reserve
7 component members volunteering for high-demand, low-density assignments.

8 (9) Section 330(f), relating to accession bonus for officer candidates.

9 (10) Section 331(h), relating to general bonus authority for enlisted members.

10 (11) Section 332(g), relating to general bonus authority for officers.

11 (12) Section 334(i), relating to special aviation incentive pay and bonus
12 authorities for officers.

13 (13) Section 351(i), relating to hazardous duty pay.

14 (14) Section 352(g), relating to assignment pay or special duty pay.

15 (15) Section 353(j), relating to skill incentive pay or proficiency bonus.

16 (16) Section 355(i), relating to retention incentives for members qualified in
17 critical military skills or assigned to high priority units.

18 **SEC. 614. ONE-YEAR EXTENSTION OF AUTHORITIES RELATING TO PAYMENT**
19 **OF REFERRAL BONUSES.**

20 The following sections of title 10, United States Code, are amended by striking
21 “December 31, 2010” and inserting “December 31, 2011”:

22 (1) Section 1030(i), relating to health professions referral bonus.

23 (2) Section 3252(h), relating to Army referral bonus.

1 **Subtitle C—Travel and Transportation Allowances**

2 **SEC. 621. AUTHORIZED TRAVEL AND TRANSPORTATION FOR DESIGNATED**
3 **PERSON ATTENDANCE AT YELLOW RIBBON REINTEGRATION**
4 **EVENTS.**

5 (a) TRAVEL AND TRANSPORTATION AUTHORIZATION.—

6 (1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by
7 inserting after section 411k the following new section:

8 **“§ 411l. Travel and transportation: designated person at Yellow Ribbon Reintegration**
9 **events**

10 “(a) AUTHORIZATION.—Under uniform regulations prescribed by the Secretaries
11 concerned:

12 “(1) Travel and transportation may be allowed for a person designated by a
13 designating member of the uniformed services described in subsection (c), consistent
14 with subsection (d), if the Secretary concerned determines that the presence of such a
15 designated person may contribute to the purposes of Yellow Ribbon Reintegration
16 Program events authorized under section 582 of the National Defense Authorization Act
17 for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 122).

18 “(2) A member of the uniformed services who is a designated person for purposes
19 of this section may also be allowed travel and transportation authorized in paragraph (1)
20 of this subsection.

21 “(b) DESIGNATED PERSON.—Subject to the discretion of the Secretary concerned:

22 “(1) The term ‘designated person’ means any person or persons designated by a
23 designating member of the uniformed services described in subsection (c).

1 (1) in paragraph (1), by inserting “or (3)” after “paragraph (2)”;

2 (2) in paragraph (2), by inserting “as being described in this paragraph” after
3 “paragraph (1)”; and

4 (3) by adding at the end the following new paragraph:

5 “(3) A health-care professional referred to in paragraph (1) as being described in this
6 paragraph is a member of the National Guard who—

7 “(A) has a current license to practice medicine, osteopathic medicine, dentistry, or
8 another health profession; and

9 “(B) is performing training or duty under title 32 in response to an actual or
10 potential disaster.”.

11 **Subtitle B—Other Matters**

12 **SEC. 711. UPDATED TERMINOLOGY FOR THE MEDICAL SERVICE CORPS.**

13 Section 3068(a)(5) of title 10, United States Code, is amended—

14 (1) in subparagraph (A), by striking “Pharmacy, Supply, and Administration” and
15 inserting “Administrative Health Services”;

16 (2) in subparagraph (C), by striking “Sanitary Engineering” and inserting
17 “Preventive Medicine Sciences”; and

18 (3) in subparagraph (D), by striking “Optometry” and inserting “Clinical Health
19 Sciences”.

20 **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, 21 AND RELATED MATTERS**

22 **Subtitle A—Amendments to General Contracting Authorities, Procedures, 23 and Limitation**

1 **SEC. 801. REPEAL OF SMALL BUSINESS COMPETITIVENESS DEMONSTRATION**
2 **PROGRAM.**

3 Sections 702 through 722 of the Small Business Competitiveness Demonstration Program
4 Act of 1988 (15 U.S.C. 644 note) are repealed.

5 **SEC. 802. PERMANENT AUTHORITY FOR DEFENSE ACQUISITION CHALLENGE**
6 **PROGRAM.**

7 Section 2359b of title 10, United States Code, is amended by striking subsections (j) and
8 (k).

9 **SEC. 803. INCREASE IN AMOUNT OF DISCRETIONARY TECHNICAL**
10 **ASSISTANCE AUTHORIZED UNDER SMALL BUSINESS INNOVATION**
11 **RESEARCH PROGRAM.**

12 Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

13 (1) in paragraph (2), by inserting “or vendors” after “vendor”; and

14 (2) in paragraph (3)—

15 (A) by striking “\$4,000” in subparagraph (A) and inserting “\$5,000”; and

16 (B) by striking subparagraph (B) and inserting the following:

17 “(B) SECOND PHASE.—Each agency referred to in paragraph (1) may
18 directly provide to any second phase SBIR award recipient services described in
19 paragraph (1), or may authorize any such recipient to purchase such services with
20 funds available from their SBIR awards, in an amount equal to not more than
21 \$5,000 per year, per award.”.

22 **SEC. 804. LIMITED AUTHORITY UNDER SMALL BUSINESS INNOVATION**
23 **RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER**

1 **PROGRAMS TO USE PROGRAM FUNDS FOR ADMINISTRATIVE AND**
2 **PROGRAM MANAGEMENT COSTS.**

3 Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

4 (1) in subsection (f)(2)(A), by striking “any” and inserting “more than 3.0
5 percent”; and

6 (2) in subsection (n)(2)(A), by striking “any” and inserting “more than 3.0
7 percent”.

8 **Subtitle B—Other Matters**

9 **SEC. 811. FIVE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE MENTOR-**
10 **PROTÉGÉ PROGRAM.**

11 (a) EXTENSION OF PROGRAM.—Subsection (j) of section 831 of the National Defense
12 Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), is
13 amended—

14 (1) in paragraph (1), by striking “September 30, 2010” and inserting “September
15 30, 2015”; and

16 (2) in paragraph (2), by striking “September 30, 2013” and inserting “September
17 30, 2018”.

18 (b) EXTENSION OF REQUIREMENT FOR ANNUAL REPORT.—Subsection (l)(3) of such
19 section is amended by striking “2010” and inserting “2015”.

20 **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND**
21 **MANAGEMENT**

22 **SEC. 901. REPEAL OF PERSONNEL LIMITATIONS APPLICABLE TO CERTAIN**
23 **DEFENSE-WIDE ORGANIZATIONS AND REVISIONS TO**

1 **LIMITATION APPLICABLE TO OFFICE OF THE SECRETARY OF**
2 **DEFENSE.**

3 (a) REPEAL OF PERSONNEL LIMITATIONS APPLICABLE TO DEFENSE-WIDE
4 ORGANIZATIONS.—

5 (1) DEFENSE AGENCIES AND DOD FIELD ACTIVITIES.—Section 194 of title 10,
6 United States Code, is repealed.

7 (2) COMBATANT COMMANDS.—Section 601 of the Goldwater-Nichols Department
8 of Defense Reorganization Act of 1986 (Public Law 99-433; 10 U.S.C. 194 note) is
9 repealed.

10 (b) REVISIONS TO PERSONNEL LIMITATION APPLICABLE TO OFFICE OF THE SECRETARY OF
11 DEFENSE.—

12 (1) REMOVAL OF WASHINGTON HEADQUARTERS SERVICE FROM OSD LIMIT.—(A)
13 Subsection (a) of section 143 of title 10, United States Code, is amended by striking
14 “3,767” and inserting “3,370”.

15 (B) Subsection (b) of such section is amended to read as follows:

16 “(b) OSD PERSONNEL DEFINED.—In this section, the term ‘OSD personnel’ means
17 members of the armed forces and civilian employees of the Department of Defense who are
18 assigned or detailed to permanent duty in the Office of the Secretary of Defense.”.

19 (2) EXEMPTION FOR NATIONAL EMERGENCIES.—Such section is further amended
20 by adding at the end the following new subsection:

21 “(d) EXEMPTION DURING TIME OF WAR OR NATIONAL EMERGENCY.—The limitation in
22 subsection (a) does not apply in time of war or during a national emergency declared by the
23 President or Congress.”.

1 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 8 of
3 title 10, United States Code, is amended by striking the item relating to section 194.

4 (2) SECTION 1111.—Section 1111 of the Duncan Hunter National Defense
5 Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 143 note) is
6 amended—

7 (A) in subsection (a)—

8 (i) by striking “For fiscal year 2009 and fiscal years thereafter,”
9 and inserting “For any fiscal year,”;

10 (ii) by striking “194,”; and

11 (iii) by striking “Code, or” in paragraph (1) and all that follows
12 through “or otherwise” and inserting “Code, or otherwise”; and

13 (B) in subsection (b)—

14 (i) by striking “For fiscal year 2009 and fiscal years thereafter,”
15 and inserting “For any fiscal year,”;

16 (ii) by striking “194,”;

17 (iii) by striking “the” in paragraph (1) after “in accordance with”;

18 and

19 (iv) by striking “any” in paragraph (2) after “work, for”.

20 **SEC. 902. AUTHORITY FOR THE DEPARTMENT OF DEFENSE TO APPROVE AN**
21 **ALTERNATE METHOD OF PROCESSING EQUAL EMPLOYMENT**
22 **OPPORTUNITY COMPLAINTS WITHIN ONE OR MORE**

1 **COMPONENT ORGANIZATIONS UNDER SPECIFIED**
2 **CIRCUMSTANCES.**

3 (a) **AUTHORITY.**—The Secretary of Defense may implement within one or more of the
4 component organizations of the Department of Defense an alternate program for processing
5 equal employment opportunity complaints. The Equal Employment Opportunity Commission
6 shall not reverse a final decision of such a component organization on the grounds that the
7 organization did not comply with the regulatory requirements promulgated by the Commission if
8 under the alternate program complainants—

9 (1) participate voluntarily and retain the right to use the procedural requirements
10 of part 1614 of title 29 of the Code of Federal Regulations or other regulations,
11 directives, or regulatory restrictions prescribed by the Equal Employment Opportunity
12 Commission;

13 (2) may opt out of the alternate system at any time prior to the issuance of the
14 final decision of the component organization; and

15 (3) retain any statutory or regulatory right to appeal the final decision of the
16 component organization to the Equal Employment Opportunity Commission or to file
17 suit in Federal district court.

18 If the Equal Employment Opportunity Commission reverses a final decision of such a
19 component organization on other grounds, the Commission may remand the case to either the
20 process under part 1614 of title 29 of the Code of Federal Regulations or the alternate program as
21 it deems appropriate.

22 (b) **AIR FORCE PROGRAM.**—The Secretary of the Air Force may implement the alternate
23 program to process equal employment opportunity complaints that the Secretary previously

1 conducted as a Department of Defense pilot program under the authority of section 1111 of the
2 Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398;
3 114 Stat. 1654A-312), provided that the Secretary complies with the requirement and restrictions
4 in subsection (a). The Secretary may delete its pilot program evaluation reporting and surveys.

5 (c) APPEALS.—A complainant's election to use an alternate process authorized as
6 provided in subsections (a) and (b) shall not obstruct, impede, or otherwise interfere with any
7 statutory or regulatory right of the complainant to appeal the final decision of the component
8 organization to the Equal Employment Opportunity Commission or to file suit in federal district
9 court.

10 (d) DURATION.—The authority granted under this section shall expire two years after the
11 date of the enactment of this Act unless the Equal Employment Opportunity Commission agrees
12 to an extension of the program.

13 **TITLE X—GENERAL PROVISIONS**

14 **Subtitle A—Financial Matters**

15 **SEC. 1001. AUTHORITY FOR PAYMENT OF FULL REPLACEMENT VALUE FOR** 16 **LOSS OR DAMAGE TO HOUSEHOLD GOODS IN LIMITED CASES** 17 **NOT COVERED BY CARRIER LIABILITY.**

18 (a) CLAIMS AUTHORITY.—

19 (1) IN GENERAL.—Chapter 163 of title 10, United States Code, is amended by
20 adding at the end the following new section:

21 **“§ 2740. Property loss: reimbursement of members and civilian employees for full**
22 **replacement value of household effects when contractor reimbursement not**
23 **available**

1 The Secretary of Defense and the Secretaries of the military departments, in paying a
2 claim under section 3721 of title 31 arising from loss or damage to household goods stored or
3 transported at the expense of the Department of Defense, may pay the claim on the basis of full
4 replacement value in any of the following cases in which reimbursement for the full replacement
5 value for the loss or damage is not available directly from a carrier under section 2636a of this
6 title:

7 “(1) A case in which—

8 “(A) the lost or damaged goods were stored or transported under a
9 contract, tender, or solicitation in accordance with section 2636a of this title that
10 requires the transportation service provider to settle claims on the basis of full
11 replacement value; but

12 “(B) the loss or damage occurred under circumstances that exclude the
13 transportation service provider from liability.

14 “(2) A case in which—

15 “(A) the loss or damage occurred while the lost or damaged goods were in
16 the possession of an ocean carrier that was transporting, loading, or unloading the
17 goods under a Department of Defense contract for ocean carriage; and

18 “(B) the land-based portions of the transportation were under contracts, in
19 accordance with section 2636a of this title, that require the land carriers to settle
20 claims on the basis of full replacement value.

21 “(3) A case in which—

22 “(A) the lost or damaged goods were transported or stored under a contract
23 or solicitation that requires at least one of the transportation service providers or

1 carriers that handled the shipment to settle claims on the basis of full replacement
2 value pursuant to section 2636a of this title;

3 “(B) the lost or damaged goods have been in the custody of more than one
4 independent contractor or transportation service provider; and

5 “(C) a claim submitted to the delivering transportation service provider or
6 carrier is denied in whole or in part because the loss or damage occurred while the
7 lost or damaged goods were in the custody of a prior transportation service
8 provider or carrier or government entity.”.

9 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of such
10 chapter is amended by adding at the end the following new item:

“2740. Property loss: reimbursement of members and civilian employees for full replacement value of household effects when contractor reimbursement not available.”.

11 (b) EFFECTIVE DATE.—Section 2740 of title 10, United States Code, as added by
12 subsection (a), shall apply with respect to losses incurred after March 1, 2008.

13 **SEC. 1002. ADVANCE NOTICE TO CONGRESS OF TRANSFER OF FUNDS FROM A**
14 **WORKING-CAPITAL FUND.**

15 Paragraph (1) of section 2208(r) of title 10, United States Code, is amended to read as
16 follows:

17 “(1) Whenever the Secretary of Defense proposes to exercise authority provided by law to
18 transfer funds from a working-capital fund, including a transfer to another working-capital fund,
19 such transfer may be made only after the Secretary submits to Congress notice of the proposed
20 transfer and a period of five days has passed from the date of the notification.”.

21 **SEC. 1003. REPEAL OF REQUIREMENT FOR ANNUAL JOINT REPORT FROM**
22 **OFFICE OF MANAGEMENT AND BUDGET AND CONGRESSIONAL**

1 **BUDGET OFFICE ON SCORING OF OUTLAYS IN DEFENSE BUDGET**
2 **FUNCTION.**

3 (a) REPEAL.—Section 226 of title 10, United States Code, is repealed.

4 (b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such
5 title is amended by striking the item relating to section 226.

6 **Subtitle B—Naval Vessels and Shipyards**

7 **SEC. 1011. INCREASE IN TONNAGE CRITERION FOR APPLICATION OF**
8 **LIMITATION ON DISPOSAL OF NAVAL VESSELS TO FOREIGN**
9 **NATIONS.**

10 Section 7307(a) of title 10, United States Code, is amended by striking “3,000 tons” and
11 inserting “6,000 tons”.

12 **SEC. 1012. REVISIONS TO AUTHORITY REGARDING SALES OF VESSELS**
13 **STRICKEN FROM NAVAL REGISTER.**

14 Section 7305 of title 10, United States Code, is amended—

15 (1) by striking subsection (a);

16 (2) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c),
17 respectively;

18 (3) in subsection (a), as redesignated by paragraph (2), by striking “If the
19 Secretary considers that the sale of the vessel” and inserting “If the Secretary of the Navy
20 considers that the sale of a vessel stricken from the Naval Vessel Register under section
21 7304 of this title”;

22 (4) in subsection (b), as redesignated by paragraph (2)—

1 (A) in paragraph (1), by striking “and not subject to disposal under any
2 other law” and inserting “, unless another method of disposal is required by law,”;

3 (B) in paragraph (2)(A), by striking “, regardless of the appraised value,”;

4 (C) in paragraph (3), by striking “Commerce Business Daily” and
5 inserting “FedBizOpps.com or through another method of public advertising”;
6 and

7 (D) by adding at the end the following new paragraph:

8 “(4) When the Secretary enters into a sales contract for the dismantling of a vessel, the
9 United States shall retain title and ownership of the vessel, but may transfer title to scrap and
10 reusable items to the contractor upon their removal from the vessel as part of the dismantling
11 process.”; and

12 (5) by adding at the end the following new subsection:

13 “(d) DEFINITIONS.—In this section:

14 “(1) The term ‘scrap’ means personal property that has no value except for its
15 basic material content.

16 “(2) The term ‘reusable items’ means demilitarized components or removable
17 portions of a vessel or equipment that the Secretary of the Navy has identified as excess
18 to the needs of the Navy, but which have potential resale value on the open market.”.

19 **TITLE XI—CIVILIAN PERSONNEL MATTERS**

20 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL** 21 **LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION** 22 **ON PAY FOR FEDERAL CIVLIAN EMPLOYEES WORKING** 23 **OVERSEAS.**

1 Effective January 1, 2011, section 1101(a) of the Duncan Hunter National Defense
2 Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as amended by
3 section 1106(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law
4 111-84; 123 Stat. 2487), is amended by striking “calendar years 2009 and 2010” and inserting
5 “calendar year 2011”.

6 **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

7 **SEC. 1201. ADDITIONAL NATIONS TO WHICH CATALOGING DATA AND** 8 **SERVICES MAY BE PROVIDED UNDER ARMS EXPORT CONTROL** 9 **ACT ON NO-COST, RECIPROCAL BASIS.**

10 Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by
11 inserting “Austria, Brazil, Finland, Singapore,” after “Japan,” both places it appears.

12 **TITLE XIII—OTHER AUTHORIZATIONS**

13 **Subtitle A—Military Programs**

14 **SEC. 1301. WORKING CAPITAL FUNDS.**

15 Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the
16 Armed Forces and other activities and agencies of the Department of Defense for providing
17 capital for the Defense Working Capital Funds in the amount of \$1,434,536,000.

18 **SEC. 1302. NATIONAL DEFENSE SEALIFT FUND.**

19 Funds are hereby authorized to be appropriated for fiscal year 2011 for the National
20 Defense Sealift Fund in the amount of \$934,866,000.

21 **SEC. 1303. DEFENSE COALITION ACQUISITION FUND.**

22 Funds are hereby authorized to be appropriated for fiscal year 2011 for the Defense
23 Coalition Acquisition Fund in the amount of \$10,000,000.

1 **SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
3 appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise
4 provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of
5 \$1,467,307,000, of which—

- 6 (1) \$1,067,364,000 is for Operation and Maintenance;
7 (2) \$392,811,000 is for Research, Development, Test, and Evaluation; and
8 (3) \$7,132,000 is for Procurement.

9 (b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized
10 for—

- 11 (1) the destruction of lethal chemical agents and munitions in accordance with
12 section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521);
13 and
14 (2) the destruction of chemical warfare materiel of the United States that is not
15 covered by section 1412 of such Act.

16 **SEC. 1305. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**
17 **WIDE.**

18 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
19 year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug
20 Activities, Defense-wide, in the amount of \$1,131,351,000.

21 **SEC. 1306. DEFENSE INSPECTOR GENERAL.**

1 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
2 year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the
3 Department of Defense, in the amount of \$283,354,000, of which—

4 (1) \$282,354,000 is for Operation and Maintenance; and

5 (2) \$1,000,000 is for Procurement.

6 **SEC. 1307. DEFENSE HEALTH PROGRAM.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be
8 appropriated for the Department of Defense for fiscal year 2011 for expenses, not otherwise
9 provided for, for the Defense Health Program, in the amount of \$30,935,111,000, of which—

10 (1) \$29,915,277,000 is for Operation and Maintenance;

11 (2) \$499,913,000 is for Research, Development, Test, and Evaluation; and

12 (3) \$519,921,000 is for Procurement.

13 (b) JOINT MEDICAL FACILITY DEMONSTRATION FUND.—

14 (1) AUTHORITY FOR TRANSFER OF FUNDS.—From funds appropriated pursuant to
15 subsection (a)(1), the Secretary of Defense may transfer to the “Joint Department of
16 Defense–Department of Veterans Affairs Medical Facility Demonstration Fund”
17 established by subsection (a)(1) of section 1704 of the National Defense Authorization
18 Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of
19 subsection (a)(2) of that section, funds appropriated pursuant to subsection (a)(1) of this
20 section shall be considered to be amounts authorized and appropriated specifically for the
21 purpose of such a transfer.

22 (2) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of that
23 section 1704, facility operations for which funds transferred under paragraph (1) may be

1 used are operations of the Captain James A. Lovell Federal Health Care Center,
2 consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory
3 Care Center, and supporting facilities designated as a combined Federal medical facility
4 under an operational agreement covered by section 706 of the Duncan Hunter National
5 Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

6 **Subtitle B—National Defense Stockpile**

7 **SEC. 1311. CONSOLIDATION AND REORGANIZATION OF STATUTORY**

8 **AUTHORITY FOR DESTRUCTION OF UNITES STATES STOCKPILE**
9 **OF LETHAL CHEMICAL AGENTS AND MUNITIONS.**

10 (a) CONSOLIDATION AND REORGANIZATION OF RELATED STATUTORY PROVISIONS.—

11 Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is
12 amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by striking “paragraphs (2) and (3)” and inserting “paragraph
16 (2)”; and

17 (ii) by inserting after “such stockpile” the following “, including
18 those agents and munitions stored at Blue Grass Army Depot, Kentucky,
19 and Pueblo Chemical Depot, Colorado,”;

20 (B) by striking paragraph (2);

21 (C) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3),

22 and (4), respectively; and

1 (D) in paragraph (4), as redesignated by subparagraph (C), by striking
2 “December 31, 2004” and inserting “the deadline established by the Chemical
3 Weapons Convention, and in no circumstances later than December 31, 2017”;

4 (2) by striking subsections (i) and (k);

5 (3) by redesignating subsections (c), (d), (e), (f), (g), (h), and (j) as subsections
6 (d), (f), (g), (h), (i), (k), and (o);

7 (4) by inserting after subsection (b) the following new subsection (c):

8 “(c) INITIATION OF DEMILITARIZATION OPERATIONS.—The Secretary of Defense may not
9 initiate destruction of the chemical munitions stockpile stored at a site until the following support
10 measures are in place:

11 “(1) Support measures that are required by Department of Defense and Army
12 chemical surety and security program regulations.

13 “(2) Support measures that are required by the general and site chemical
14 munitions demilitarization plans specific to that installation.

15 “(3) Support measures that are required by the permits required by the Solid
16 Waste Disposal Act (42 U.S.C. 6901 et seq.) and the Clean Air Act (42 U.S.C. 7401 et
17 seq.) for chemical munitions demilitarization operations at that installation, as approved
18 by the appropriate State regulatory agencies.”;

19 (5) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3), by
20 inserting after “subsection (a)” the following “, including but not limited to the use of
21 technologies and procedures that will minimize the risk to the public at each site”;

22 (6) by inserting after paragraph (3) of subsection (d) (as so redesignated) the
23 following:

1 “(e) GRANTS AND COOPERATIVE AGREEMENTS.—”;

2 (7) by redesignating the paragraphs (4) and (5) that immediately follow the
3 subsection designation and heading inserted by paragraph (6) as paragraphs (1) and (2),
4 respectively, and—

5 (A) in the redesignated paragraph (1), by striking “subparagraph (A) of
6 paragraph (1)” and inserting “subsection (d)(1)(A)”, and

7 (B) in the redesignated paragraph (2)—

8 (i) by striking “paragraph (1)(B)” in subparagraph (A)(ii) and
9 inserting “subsection (d)(1)(B)”; and

10 (ii) by striking “Director” each place it appears in subparagraphs

11 (A) and (C) and inserting “Administrator”;

12 (8) in subsection (g), as redesignated by paragraph (3), —

13 (A) in paragraph (1), by striking “, not later than May 1, 1986,”;

14 (B) in paragraph (2)—

15 (i) by striking “Such organization” and inserting “The Secretary of
16 the Army”; and

17 (ii) by striking “under this section” and inserting “at all sites except
18 Blue Grass Army Depot, Kentucky, and Pueblo Chemical Depot, Colorado”;

19 (C) by transferring the text of paragraph (2), as amended by subparagraph
20 (B), to the end of paragraph (1); and

21 (D) by inserting after the paragraph designation for paragraph (2) the
22 following: “MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT
23 BLUEGRASS ARMY DEPOT, KENTUCKY, AND PUEBLO DEPOT, COLORADO.—The

1 program manager for the Assembled Chemical Weapons Alternative Program
2 shall be responsible for management of the construction, operation, and closure,
3 and any contracting relating thereto, of chemical demilitarization activities at
4 Bluegrass Army Depot, Kentucky, and Pueblo Army Depot, Colorado, including
5 management of the pilot-scale facility phase of the alternative technology selected
6 for the destruction of lethal chemical munitions. In performing such
7 management, the program manager shall act independently of the Army program
8 manager for Chemical Demilitarization and shall report to the Under Secretary of
9 Defense for Acquisition, Technology, and Logistics.”;

10 (9) in paragraph (2) of subsection (h), as redesignated by paragraph (3)—

11 (A) by striking “subsection (c)(5)” and inserting “subsection (e)”;

12 (B) by striking “Director” and inserting “Administrator”;

13 (10) in subsection (i), as redesignated by paragraph (3)—

14 (A) by striking “PERIODIC REPORTS” in the subsection caption and
15 inserting “ANNUAL REPORT”; and

16 (B) in paragraph (2)—

17 (i) by striking “subsection (c)(4)” in subparagraphs (B) and

18 (C)(vii) and inserting “subsection (e)”;

19 (ii) by striking “section 172(g) of Public Law 102–484 (50 U.S.C.

20 1521 note)” and inserting “subsection (m)(7)”;

21 (11) by inserting after subsection (i), as so redesignated, the following new

22 subsection (j):

1 “(j) SEMIANNUAL REPORTS.—(1) By March 1st and September 1st each year until the year
2 in which the United States completes the destruction of its entire stockpile of chemical weapons
3 under the terms of the Chemical Weapons Convention, the Secretary of Defense shall submit to
4 the members and committees of Congress referred to in paragraph (3) a report on the
5 implementation by the United States of its chemical weapons destruction obligations under the
6 Chemical Weapons Convention.

7 “(2) Each report under paragraph (1) shall include the following:

8 “(A) The anticipated schedule at the time of such report for the completion of
9 destruction of chemical agents, munitions, and material at each chemical weapons
10 demilitarization facility in the United States.

11 “(B) A description of the options and alternatives for accelerating the completion
12 of chemical weapons destruction at each such facility, particularly in time to meet the
13 stockpile elimination deadline.

14 “(C) A description of the funding required to achieve each of the options for
15 destruction described under subparagraph (B), and a detailed life-cycle cost estimate for
16 each of the affected facilities included in each such funding profile.

17 “(D) A description of all actions being taken by the United States to accelerate the
18 destruction of its entire stockpile of chemical weapons, agents, and materiel in order to
19 meet the current destruction deadline under the Chemical Weapons Convention of April
20 29, 2012, or as soon thereafter as possible.

21 “(3) The members and committees of Congress referred to in this paragraph are—

22 “(A) the majority leader and the minority leader of the Senate and the Committee
23 on Armed Services and the Committee on Appropriations of the Senate; and

1 “(B) the Speaker of the House of Representatives, the majority leader and the
2 minority leader of the House of Representatives, and the Committee on Armed Services
3 and the Committee on Appropriations of the House of Representatives.”.

4 (12) in subsection (o), as redesignated by paragraph (3), by adding at the end the
5 following new paragraph:

6 “(4) The term ‘Chemical Weapons Convention’ means the Convention on the
7 Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and
8 on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into
9 force April 29, 1997 (T. Doc. 103-21).”; and

10 (13) by inserting after subsection (k), as redesignated by paragraph (3), the
11 following new subsections:

12 “(1) SURVEILLANCE AND ASSESSMENT PROGRAM.—The Secretary of Defense shall
13 conduct an ongoing comprehensive program of—

14 “(1) surveillance of the existing United States stockpile of chemical weapons; and

15 “(2) assessment of the condition of the stockpile.

16 “(m) CHEMICAL DEMILITARIZATION CITIZENS’ ADVISORY COMMISSIONS.—

17 (1) ESTABLISHMENT.—(A) The Secretary of the Army shall establish a citizens’
18 commission for each State in which there is a chemical demilitarization facility under
19 Army management.

20 “(B) The Assistant to the Secretary of Defense for Nuclear, Chemical, and
21 Biological Defense Programs shall establish a chemical demilitarization citizens’
22 commission in Colorado and in Kentucky.

1 “(C) Each such commission shall be known as the ‘Chemical Demilitarization
2 Citizens’ Advisory Commission’ for that State.

3 “(2) FUNCTIONS.—(A) The Secretary of the Army, or the Department of Defense
4 in Colorado and Kentucky, shall provide for a representative to meet with each
5 commission established under this subsection to receive citizen and State concerns
6 regarding the ongoing program for the disposal of the lethal chemical agents and
7 munitions in the stockpile referred to in subsection (a) at each of the sites with respect to
8 which a commission is established pursuant to paragraph (1).

9 “(B) The Secretary of the Army shall provide for a representative from the Office
10 of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) to meet
11 with each commission under Army management.

12 “(C) The Assistant to the Secretary of Defense for Nuclear, Chemical, and
13 Biological Defense Programs shall provide for a representative from the Assistant to meet
14 with the commissions in Colorado and Kentucky.

15 “(3) MEMBERSHIP.—(A) Each commission shall be composed of nine members
16 appointed by the Governor of the State. Seven of such members shall be citizens from the
17 local affected areas in the State; the other two shall be representatives of State
18 government who have direct responsibilities related to the chemical demilitarization
19 program.

20 “(B) For purposes of this paragraph, affected areas are those areas located within
21 a 50-mile radius of a chemical weapons storage site.

22 “(4) CONFLICTS OF INTEREST.—For a period of five years after the termination of
23 any commission, no corporation, partnership, or other organization in which a member of

1 that commission, a spouse of a member of that commission, or a natural or adopted child
2 of a member of that commission has an ownership interest may be awarded—

3 “(A) a contract related to the disposal of lethal chemical agents or
4 munitions in the stockpile referred to in subsection (a); or

5 “(B) a subcontract under such a contract.

6 “(5) CHAIRMAN.—The members of each commission shall designate the chairman
7 of the commission from among the members of the commission.

8 “(6) MEETINGS.—Each commission shall meet with a representative from the
9 Army, or the Office of the Secretary of Defense for the Colorado and Kentucky
10 commissions, upon joint agreement between the chairman of the commission and that
11 representative. The two parties shall meet not less often than twice a year and may meet
12 more often at their discretion.

13 “(7) PAY AND EXPENSES.—Members of each commission shall receive no pay for
14 their involvement in the activities of their commissions. Funds appropriated for the
15 Chemical Stockpile Demilitarization Program may be used for travel and associated
16 travel costs for Citizens' Advisory Commissioners, when such travel is conducted at the
17 invitation of the Assistant Secretary of the Army (Acquisition, Logistics, and
18 Technology) or the invitation of the Deputy Assistant to the Secretary of Defense for
19 Chemical and Biological Defense and Chemical Demilitarization for the Colorado and
20 Kentucky commissions.

21 “(8) TERMINATION OF COMMISSIONS.—Each commission shall be terminated after
22 the closure activities required pursuant to regulations promulgated by the Administrator
23 of the Environmental Protection Agency pursuant to the Solid Waste Disposal Act (42

1 U.S.C. 6901 et seq.) have been completed for the chemical agent destruction facility in
2 the commission's State, or upon the request of the Governor of the commission's State,
3 whichever occurs first.

4 “(n) INCENTIVE CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS.—

5 (1) AUTHORITY TO INCLUDE CLAUSES IN CONTRACTS.—(A) The Secretary of
6 Defense may, for the purpose specified in paragraph (B), authorize the inclusion of an
7 incentives clause in any contract for the destruction of the United States stockpile of
8 lethal chemical agents and munitions carried out pursuant to subsection (a).

9 “(B) The purpose of a clause referred to in subparagraph (A) is to provide the
10 contractor for a chemical demilitarization facility an incentive to accelerate the safe
11 elimination of the United States chemical weapons stockpile and to reduce the total cost
12 of the Chemical Demilitarization Program by providing incentive payments for the early
13 completion of destruction operations and the closure of such facility.

14 “(2) INCENTIVES CLAUSES.—(A) An incentives clause under this subsection shall
15 permit the contractor for the chemical demilitarization facility concerned the opportunity
16 to earn incentive payments for the completion of destruction operations and facility
17 closure activities within target incentive ranges specified in such clause.

18 “(B) The maximum incentive payment under an incentives clause with respect to
19 a chemical demilitarization facility may not exceed the following amounts:

20 “(i) In the case of an incentive payment for the completion of destruction
21 operations within the target incentive range specified in such clause,

22 \$110,000,000.

1 “(ii) In the case of an incentive payment for the completion of facility
2 closure activities within the target incentive range specified in such clause,
3 \$55,000,000.

4 “(C) An incentives clause in a contract under this section shall specify the target
5 incentive ranges of costs for completion of destruction operations and facility closure
6 activities, respectively, as jointly agreed upon by the contracting officer and the
7 contractor concerned. An incentives clause shall require a proportionate reduction in the
8 maximum incentive payment amounts in the event that the contractor exceeds an agreed-
9 upon target cost if such excess costs are the responsibility of the contractor.

10 “(D) The amount of the incentive payment earned by a contractor for a chemical
11 demilitarization facility under an incentives clause under this subsection shall be based
12 upon a determination by the Secretary on how early in the target incentive range specified
13 in such clause destruction operations or facility closure activities, as the case may be, are
14 completed.

15 “(E) The provisions of any incentives clause under this subsection shall be
16 consistent with the obligation of the Secretary of Defense under subsection (d)(1)(A), to
17 provide for maximum protection for the environment, the general public, and the
18 personnel who are involved in the destruction of the lethal chemical agents and
19 munitions.

20 “(F) In negotiating the inclusion of an incentives clause in a contract under this
21 subsection, the Secretary may include in such clause such additional terms and conditions
22 as the Secretary considers appropriate.

1 “(3) ADDITIONAL LIMITATION ON PAYMENTS.—(A) No payment may be made
2 under an incentives clause under this subsection unless the Secretary determines that the
3 contractor concerned has satisfactorily performed its duties under such incentives clause.

4 “(B) An incentives clause under this subsection shall specify that the obligation of
5 the Government to make payment under such incentives clause is subject to the
6 availability of appropriations for that purpose. Amounts appropriated for Chemical
7 Agents and Munitions Destruction, Defense, shall be available for payments under
8 incentives clauses under this subsection.”.

9 (b) REPEAL OF LAWS RESTATED IN SECTION 1412 AND OBSOLETE PROVISIONS OF LAW.—

10 The following provisions of law are repealed:

11 (1) Section 125 of the National Defense Authorization Act for Fiscal Years 1988
12 and 1989 (Public Law 100-180; 101 Stat. 1043; 50 U.S.C. 1521 note).

13 (2) Sections 172, 174, 175, and 180 of the National Defense Authorization Act for
14 Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2341; 50 U.S.C. 1521 note).

15 (3) Section 152 of the National Defense Authorization Act for Fiscal Year 1996
16 (Public Law 104-106; 110 Stat. 214; 50 U.S.C. 1521 note).

17 (4) Section 8065 of the Omnibus Consolidated Appropriations Act, 1997 (Public
18 Law 104-208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

19 (5) Section 142 of the Strom Thurmond National Defense Authorization Act for
20 Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1943; 50 U.S.C. 1521 note).

21 (6) Section 141 of the National Defense Authorization Act for Fiscal Year 2000
22 (Public Law 106-65; 113 Stat. 537; 50 U.S.C. 1521 note).

1 (7) Section 8122 of the Department of Defense Appropriations Act, 2003 (Public
2 Law 107-248; 116 Stat. 1566; 50 U.S.C. 1521 note).

3 (8) Section 923 of the John Warner National Defense Authorization Act for Fiscal
4 Year 2007 (Public Law 109-364; 120 Stat. 2360; 50 U.S.C. 1521 note).

5 (9) Section 8119 of the Department of Defense Appropriations Act, 2008 (Public
6 Law 110-116; 121 Stat. 1340; 50 U.S.C. 1521 note).

7 (10) Section 922(c) of the National Defense Authorization Act for Fiscal Year
8 2008 (Public Law 110-181; 122 Stat. 283; 50 U.S.C. 1521 note).

9 **Subtitle C—Armed Forces Retirement Home**

10 **SEC. 1321. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES**

11 **RETIREMENT HOME.**

12 There is hereby authorized to be appropriated for fiscal year 2011 from the Armed Forces
13 Retirement Home Trust Fund the sum of \$71,200,000 for the operation of the Armed Forces
14 Retirement Home.

15 **TITLE XIV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS**
16 **FOR OVERSEAS CONTINGENCY OPERATIONS FOR FISCAL YEAR**

17 **2011**

18 **SEC. 1401. PURPOSE.**

19 The purpose of this title is to authorize appropriations for the Department of Defense for
20 fiscal year 2011 to provide additional funds for overseas contingency operations being carried
21 out by the Armed Forces.

22 **SEC. 1402. ARMY PROCUREMENT.**

1 Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for
2 the Army in amounts as follows:

- 3 (1) For aircraft procurement, \$1,373,803,000.
- 4 (2) For missile procurement, \$343,828,000.
- 5 (3) For weapons and tracked combat vehicles procurement, \$687,500,000.
- 6 (4) For ammunition procurement, \$702,591,000.
- 7 (5) For other procurement, \$5,827,274,000.

8 **SEC. 1403. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.**

9 Funds are hereby authorized to be appropriated for fiscal year 2011 for the Joint
10 Improvised Explosive Device Defeat Fund in the amount of \$3,250,000,000.

11 **SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

12 Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for
13 the Navy and Marine Corps in amounts as follows:

- 14 (1) For aircraft procurement, Navy, \$420,358,000.
- 15 (2) For weapons procurement, Navy, \$93,425,000.
- 16 (3) For ammunition procurement, Navy and Marine Corps, \$565,084,000.
- 17 (4) For other procurement, Navy, \$480,735,000.
- 18 (5) For procurement, Marine Corps, \$1,778,243,000.

19 **SEC. 1405. AIR FORCE PROCUREMENT.**

20 Funds are hereby authorized to be appropriated for fiscal year 2011 for procurement for
21 the Air Force in amounts as follows:

- 22 (1) For aircraft procurement, \$1,362,420,000.
- 23 (2) For ammunition procurement, \$292,959,000.

1 (3) For missile procurement, \$56,621,000.

2 (4) For other procurement, \$3,087,481,000.

3 **SEC. 1406. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.**

4 Funds are hereby authorized to be appropriated for fiscal year 2011 for the Mine
5 Resistant Ambush Protected Vehicle Fund in the amount of \$3,415,000,000.

6 **SEC. 1407. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

7 Funds are hereby authorized to be appropriated for fiscal year 2011 for the procurement
8 account for Defense-wide activities in the amount of \$874,546,000.

9 **SEC. 1408. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

10 Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the
11 Department of Defense for research, development, test, and evaluation as follows:

12 (1) For the Army, \$150,906,000.

13 (2) For the Navy, \$60,401,000.

14 (3) For the Air Force, \$266,241,000.

15 (4) For Defense-wide activities, \$157,240,000.

16 **SEC. 1409. OPERATION AND MAINTENANCE.**

17 Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the
18 Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in
19 amounts as follows:

20 (1) For the Army, \$62,602,618,000.

21 (2) For the Navy, \$8,946,634,000.

22 (3) For the Marine Corps, \$4,136,522,000.

23 (4) For the Air Force, \$13,487,283,000.

- 1 (5) For Defense-wide activities, \$9,426,358,000.
- 2 (6) For the Army Reserve, \$286,950,000.
- 3 (7) For the Navy Reserve, \$93,559,000.
- 4 (8) For the Marine Corps Reserve, \$29,685,000.
- 5 (9) For the Air Force Reserve, \$129,607,000.
- 6 (10) For the Army National Guard, \$544,349,000.
- 7 (11) For the Air National Guard, \$350,823,000.
- 8 (12) For the Afghanistan Security Forces Fund, \$11,619,283,000.
- 9 (13) For the Iraq Security Forces Fund, \$2,000,000,000.
- 10 (14) For the Overseas Contingency Operations Transfer Fund, \$1,551,781,000.

11 **SEC. 1410. MILITARY PERSONNEL.**

12 Funds are hereby authorized to be appropriated for fiscal year 2011 to the Department of
13 Defense for military personnel accounts in the total amount of \$15,132,054,000.

14 **SEC. 1411. WORKING CAPITAL FUNDS.**

15 Funds are hereby authorized to be appropriated for fiscal year 2011 for the use of the
16 Armed Forces and other activities and agencies of the Department of Defense for providing
17 capital for working capital and revolving funds in the amount of \$485,384,000.

18 **SEC. 1412. DEFENSE HEALTH PROGRAM.**

19 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
20 year 2011 for expenses, not otherwise provided for, for the Defense Health Program in the
21 amount of \$1,398,092,000, for Operation and Maintenance.

22 **SEC. 1413. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-**
23 **WIDE.**

1 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
2 year 2011 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug
3 Activities, Defense-wide in the amount of \$457,110,000.

4 **SEC. 1414. DEFENSE INSPECTOR GENERAL.**

5 Funds are hereby authorized to be appropriated for the Department of Defense for fiscal
6 year 2011 for expenses, not otherwise provided for, for the Office of the Inspector General of the
7 Department of Defense in the amount of \$10,529,000, for Operation and Maintenance.

8 **TITLE XV—MILITARY CONSTRUCTION, MILITARY FAMILY**
9 **HOUSING, AND REAL PROPERTY**

10 **SEC. 1501. ALTERNATIVE USE OF PROCEEDS FROM THE SALE OF MILITARY**
11 **FAMILY HOUSING.**

12 (a) **AUTHORITY.**—Section 2831 of title 10, United States Code, is amended—

13 (1) in subsection (b), by striking “There” and inserting “Except as provided in
14 subsection (e), there”;

15 (2) by redesignating subsections (e) and (f) as subsections (f) and (g),
16 respectively; and

17 (3) by inserting after subsection (d) the following new subsection (e):

18 “(e) **TRANSFER OF FUNDS.**—The Secretary concerned may transfer funds received under
19 paragraph (3) of subsection (b) to the Department of Defense Family Housing Improvement
20 Fund established under subsection (a) of section 2883 of this title.”.

21 (b) **EXPANSION OF CREDITS AND NOTIFICATION REQUIREMENT.**—Section 2883 of such
22 title is amended—

23 (1) in subsection (c)(1), by adding at the end the following new subparagraph:

1 “(H) Subject to subsection (f), any amounts from the proceeds of handling or
2 disposal of family housing of a military department transferred to that Fund pursuant to
3 section 2831(e) of this title.”; and

4 (2) in subsection (f), by striking “subparagraph (B) or (G) of paragraph (1)” and
5 inserting “subparagraph (B), (G), or (H) of paragraph (1)”.

6 **SEC. 1502. INCREASE IN DOLLAR THRESHOLDS FOR AUTHORITIES RELATING**
7 **TO UNSPECIFIED MINOR CONSTRUCTION PROJECTS.**

8 (a) **MAXIMUM AMOUNT FOR PROJECTS TO CORRECT DEFICIENCIES THAT ARE LIFE-**
9 **THREATENING, HEALTH-THREATENING, OR SAFETY-THREATENING.**—Subsection (a)(2) of section
10 2805 of title 10, United States Code, is amended by striking “\$3,000,000” in the second sentence
11 and inserting “\$4,000,000”.

12 (b) **MINIMUM AMOUNT FOR PROJECTS SUBJECT TO SECRETARIAL APPROVAL AND**
13 **CONGRESSIONAL NOTICE-AND-WAIT.**—Subsection (b)(1) of such section is amended by striking
14 “\$750,000” and inserting “\$1,000,000”.

15 (c) **MAXIMUM AMOUNT FOR PROJECTS FOR WHICH OPERATION AND MAINTENANCE FUNDS**
16 **MAY BE USED.**—Subsection (c)(1) of such section is amended—

17 (1) by striking “not more than—” and all that follows through “in the case of” and
18 inserting “not more than \$1,000,000, except that such amount shall be \$2,000,000 in the
19 case of”;

20 (2) by striking “; or” after “safety-threatening” and inserting a period; and

21 (3) by striking subparagraph (B).

22 (d) **ANNUAL REPORT ON USE OF OPERATION AND MAINTENANCE FUNDS FOR MINOR**
23 **MILITARY CONSTRUCTION PROJECTS.**—Subsection (c) of such section is further amended by

1 adding at the end the following new paragraph:

2 “(3) Not later than three months after the close of each fiscal year, the Secretary
3 concerned shall submit to the appropriate committees of Congress a report on the use of the
4 authority under paragraph (1) during that fiscal year. Each such report shall set forth with respect
5 to that fiscal year—

6 “(A) the amount of funds available for operation and maintenance that were
7 expended by the Secretary using that authority; and

8 “(B) the number of military construction projects undertaken by the Secretary
9 using that authority.”.