

Public Law 111-383  
111th Congress

An Act

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

Jan. 7, 2011  
[H.R. 6523]

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

**SECTION 1. SHORT TITLE.**

(a) **SHORT TITLE.**—This Act may be cited as the “Ike Skelton National Defense Authorization Act for Fiscal Year 2011”.

(b) **REFERENCES.**—Any reference in this or any other Act to the “National Defense Authorization Act for Fiscal Year 2011” shall be deemed to refer to the “Ike Skelton National Defense Authorization Act for Fiscal Year 2011”.

Ike Skelton  
National Defense  
Authorization  
Act for Fiscal  
Year 2011.

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

5 USC 9902 note.

(a) **DIVISIONS.**—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title.  
Sec. 2. Organization of Act into divisions; table of contents.  
Sec. 3. Congressional defense committees.

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- Sec. 1403. Modification of certain working capital fund requirements.
- Sec. 1404. Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund.
- Sec. 1405. National Defense Sealift Fund.
- Sec. 1406. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1407. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1408. Defense Inspector General.
- Sec. 1409. Defense Health Program.

## Subtitle B—National Defense Stockpile

- Sec. 1411. Authorized uses of National Defense Stockpile funds.
- Sec. 1412. Revision to required receipt objectives for previously authorized disposals from the National Defense Stockpile.

## Subtitle C—Chemical Demilitarization Matters

- Sec. 1421. Consolidation and reorganization of statutory authority for destruction of United States stockpile of lethal chemical agents and munitions.

## Subtitle D—Other Matters

- Sec. 1431. Authorization of appropriations for Armed Forces Retirement Home.
- Sec. 1432. Authority for transfer of funds to Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

## TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

## Subtitle A—Authorization of Additional Appropriations

- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1504. Navy and Marine Corps procurement.
- Sec. 1505. Air Force procurement.
- Sec. 1506. Defense-wide activities procurement.
- Sec. 1507. National Guard and Reserve equipment.
- Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.
- Sec. 1509. Research, development, test, and evaluation.
- Sec. 1510. Operation and maintenance.
- Sec. 1511. Military personnel.
- Sec. 1512. Working capital funds.
- Sec. 1513. Defense Health Program.
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## Subtitle B—Financial Matters

- Sec. 1521. Treatment as additional authorizations.
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## Subtitle C—Limitations and Other Matters

- Sec. 1531. Limitations on availability of funds in Afghanistan Security Forces Fund.
- Sec. 1532. Limitations on availability of funds in Iraq Security Forces Fund.
- Sec. 1533. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
- Sec. 1534. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1535. Task Force for Business and Stability Operations in Afghanistan and economic transition plan and economic strategy for Afghanistan.

## TITLE XVI—IMPROVED SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES

- Sec. 1601. Definition of Department of Defense sexual assault prevention and response program and other definitions.

Sec. 1602. Comprehensive Department of Defense policy on sexual assault prevention and response program.

Subtitle A—Organizational Structure and Application of Sexual Assault Prevention and Response Program Elements

Sec. 1611. Sexual Assault Prevention and Response Office.

Sec. 1612. Oversight and evaluation standards.

Sec. 1613. Report and plan for completion of acquisition of centralized Department of Defense sexual assault database.

Sec. 1614. Restricted reporting of sexual assaults.

Subtitle B—Improved and Expanded Availability of Services

Sec. 1621. Improved protocols for providing medical care for victims of sexual assault.

Sec. 1622. Sexual assault victims access to Victim Advocate services.

Subtitle C—Reporting Requirements

Sec. 1631. Annual report regarding sexual assaults involving members of the Armed Forces and improvement to sexual assault prevention and response program.

Sec. 1632. Additional reports.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

Sec. 2003. Funding tables.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Use of unobligated Army military construction funds in conjunction with funds provided by the Commonwealth of Virginia to carry out certain fiscal year 2002 project.

Sec. 2106. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2107. Modification of authority to carry out certain fiscal year 2010 project.

Sec. 2108. Extension of authorizations of certain fiscal year 2008 projects.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Technical amendment to reflect multi-increment fiscal year 2010 project.

Sec. 2206. Extension of authorization of certain fiscal year 2008 project.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Extension of authorization of certain fiscal year 2007 project.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 2010 projects.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Sec. 2412. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
- Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
- Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
- Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
- Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.
- Sec. 2607. Extension of authorizations of certain fiscal year 2008 projects.

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES**

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
- Sec. 2702. Authorized base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2703. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
- Sec. 2704. Transportation plan for BRAC 133 project under Fort Belvoir, Virginia, BRAC initiative.

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Availability of military construction information on Internet.
- Sec. 2802. Use of Pentagon Reservation Maintenance Revolving Fund for construction or alteration at Pentagon Reservation.
- Sec. 2803. Reduced reporting time limits for certain military construction and real property reports when submitted in electronic media.
- Sec. 2804. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
- Sec. 2805. Sense of Congress and report regarding employment of veterans to work on military construction projects.

**Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Notice-and-wait requirements applicable to real property transactions.
- Sec. 2812. Treatment of proceeds generated from leases of non-excess property involving military museums.
- Sec. 2813. Limitation on enhanced use leases of non-excess property.
- Sec. 2814. Repeal of expired authority to lease land for special operations activities.
- Sec. 2815. Former Naval Bombardment Area, Culebra Island, Puerto Rico.

**Subtitle C—Provisions Related to Guam Realignment**

- Sec. 2821. Extension of term of Deputy Secretary of Defense's leadership of Guam Oversight Council.
- Sec. 2822. Utility conveyances to support integrated water and wastewater treatment system on Guam.
- Sec. 2823. Report on types of facilities required to support Guam realignment.
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**Subtitle D—Energy Security**

- Sec. 2831. Consideration of environmentally sustainable practices in Department energy performance plan.
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**Subtitle E—Land Conveyances**

- Sec. 2841. Land conveyance, Defense Fuel Support Point (DFSP) Whittier, Alaska.
- Sec. 2842. Land conveyance, Fort Knox, Kentucky.
- Sec. 2843. Land conveyance, Naval Support Activity (West Bank), New Orleans, Louisiana.
- Sec. 2844. Land conveyance, former Navy Extremely Low Frequency communications project site, Republic, Michigan.
- Sec. 2845. Land conveyance, Marine Forces Reserve Center, Wilmington, North Carolina.

**Subtitle F—Other Matters**

- Sec. 2851. Limitation on availability of funds pending report regarding construction of a new outlying landing field in North Carolina and Virginia.

- Sec. 2852. Requirements related to providing world class military medical centers.
- Sec. 2853. Report on fuel infrastructure sustainment, restoration, and modernization requirements.
- Sec. 2854. Naming of Armed Forces Reserve Center, Middletown, Connecticut.
- Sec. 2855. Sense of Congress on proposed extension of the Alaska Railroad corridor across Federal land in Alaska.
- Sec. 2856. Sense of Congress on improving military housing for members of the Air Force.
- Sec. 2857. Sense of Congress regarding recreational hunting and fishing on military installations.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY  
CONSTRUCTION

- Sec. 2901. Authorized Army construction and land acquisition projects.
- Sec. 2902. Authorized Air Force construction and land acquisition project.
- Sec. 2903. Authorized Defense Wide Construction and Land Acquisition Projects and Authorization of Appropriations.

TITLE XXX—MILITARY CONSTRUCTION FUNDING TABLES

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY  
AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Aircraft procurement.
- Sec. 3112. Biennial plan on modernization and refurbishment of the nuclear security complex.
- Sec. 3113. Comptroller General assessment of adequacy of budget requests with respect to the modernization and refurbishment of the nuclear weapons stockpile.
- Sec. 3114. Notification of cost overruns for certain Department of Energy projects.
- Sec. 3115. Establishment of cooperative research and development centers.
- Sec. 3116. Future-years defense environmental management plan.
- Sec. 3117. Extension of authority of Secretary of Energy for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3118. Extension of authority of Secretary of Energy to enter into transactions to carry out certain research projects.
- Sec. 3119. Extension of authority relating to the International Materials Protection, Control, and Accounting Program of the Department of Energy.
- Sec. 3120. Extension of deadline for transfer of parcels of land to be conveyed to Los Alamos County, New Mexico, and held in trust for the Pueblo of San Ildefonso.
- Sec. 3121. Repeal of sunset provision for modification of minor construction threshold for plant projects.
- Sec. 3122. Enhancing private-sector employment through cooperative research and development activities.
- Sec. 3123. Limitation on use of funds for establishment of centers of excellence in countries outside of the former Soviet Union.
- Sec. 3124. Department of Energy energy parks program.

Subtitle C—Reports

- Sec. 3131. Report on graded security protection policy.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

- Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2011.

- Sec. 3502. Extension of Maritime Security Fleet program.  
 Sec. 3503. United States Merchant Marine Academy nominations of residents of the Northern Mariana Islands.  
 Sec. 3504. Research authority.

**SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

10 USC 101 note.

For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

### TITLE I—PROCUREMENT

#### Subtitle A—Authorization of Appropriations

- Sec. 101. Army.  
 Sec. 102. Navy and Marine Corps.  
 Sec. 103. Air Force.  
 Sec. 104. Defense-wide activities.

#### Subtitle B—Navy Programs

- Sec. 111. Multiyear funding for detail design and construction of LHA Replacement ship designated LHA-7.  
 Sec. 112. Requirement to maintain Navy airborne signals intelligence, surveillance, and reconnaissance capabilities.  
 Sec. 113. Report on naval force structure and missile defense.  
 Sec. 114. Reports on service-life extension of F/A-18 aircraft by the Department of the Navy.

#### Subtitle C—Joint and Multiservice Matters

- Sec. 121. Limitations on biometric systems funds.  
 Sec. 122. System management plan and matrix for the F-35 Joint Strike Fighter aircraft program.  
 Sec. 123. Quarterly reports on use of Combat Mission Requirements funds.  
 Sec. 124. Counter-improvised explosive device initiatives database.  
 Sec. 125. Study on lightweight body armor solutions.  
 Sec. 126. Integration of solid state laser systems into certain aircraft.  
 Sec. 127. Contracts for commercial imaging satellite capacities.

### Subtitle A—Authorization of Appropriations

**SEC. 101. ARMY.**

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

- (1) For aircraft, \$5,908,384,000.
- (2) For missiles, \$1,670,463,000.
- (3) For weapons and tracked combat vehicles, \$1,656,263,000.
- (4) For ammunition, \$1,953,194,000.
- (5) For other procurement, \$9,758,965,000.

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

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

- (1) For aircraft, \$18,877,139,000.
- (2) For weapons, including missiles and torpedoes, \$3,358,264,000.

(b) AMENDMENT RELATING TO DUTIES.—Subsection (b) of section 187 of such title is amended to read as follows:

10 USC 187.

“(b) DUTIES.—In addition to other matters assigned to it by the Secretary of Defense, the Board shall—

“(1) determine the need to provide a long term secure supply of materials designated as critical to national security to ensure that national defense needs are met;

Determination.

“(2) analyze the risk associated with each material designated as critical to national security and the effect on national defense that the nonavailability of such material would have;

“(3) recommend a strategy to the President to ensure a secure supply of materials designated as critical to national security;

Strategy.

“(4) recommend such other strategies to the President as the Board considers appropriate to strengthen the industrial base with respect to materials critical to national security; and

Strategies.

“(5) publish not less frequently than once every two years in the Federal Register recommendations regarding materials critical to national security, including a list of specialty metals, if any, recommended for addition to, or removal from, the definition of ‘specialty metal’ for purposes of section 2533b of this title.”.

Deadline.  
Federal Register,  
publication.  
Recommendations.

## Subtitle D—Contractor Matters

### SEC. 831. OVERSIGHT AND ACCOUNTABILITY OF CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS IN AREAS OF COMBAT OPERATIONS.

(a) ENHANCEMENT OF OVERSIGHT AND ACCOUNTABILITY.—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking “comply with regulations” and inserting “ensure that the contractor and all employees of the contractor or any subcontractor who are responsible for performing private security functions under such contract comply with regulations”;

(B) in subparagraph (B)—

(i) by striking “comply with” and all that follows through “in accordance with” and inserting “ensure that the contractor and all employees of the contractor or any subcontractor who are responsible for performing private security functions under such contract comply with”; and

(ii) by striking “and” at the end;

(C) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following new subparagraph:

“(D) ensure that the contract clause is included in subcontracts awarded to any subcontractor at any tier who is responsible for performing private security functions under the contract.”;

(2) by redesignating subsections (c) and (d) as subsections (f) and (g), respectively; and



(3) by inserting after subsection (b) the following new subsections:

“(c) OVERSIGHT.—It shall be the responsibility of the head of the contracting activity responsible for each covered contract to ensure that the contracting activity takes appropriate steps to assign sufficient oversight personnel to the contract to—

“(1) ensure that the contractor responsible for performing private security functions under such contract comply with the regulatory requirements prescribed pursuant to subsection (a) and the contract requirements established pursuant to subsection (b); and

“(2) make the determinations required by subsection (d).

“(d) REMEDIES.—The failure of a contractor under a covered contract to comply with the requirements of the regulations prescribed under subsection (a) or the contract clause inserted in a covered contract pursuant to subsection (b), as determined by the contracting officer for the covered contract—

“(1) shall be included in appropriate databases of past performance and considered in any responsibility determination or evaluation of the past performance of the contractor for the purpose of a contract award decision, as provided in section 6(j) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(j));

“(2) in the case of an award fee contract—

“(A) shall be considered in any evaluation of contract performance by the contractor for the relevant award fee period; and

“(B) may be a basis for reducing or denying award fees for such period, or for recovering all or part of award fees previously paid for such period; and

“(3) in the case of a failure to comply that is severe, prolonged, or repeated—

“(A) shall be referred to the suspension or debarment official for the appropriate agency; and

“(B) may be a basis for suspension or debarment of the contractor.

“(e) RULE OF CONSTRUCTION.—The duty of a contractor under a covered contract to comply with the requirements of the regulations prescribed under subsection (a) and the contract clause inserted into a covered contract pursuant to subsection (b), and the availability of the remedies provided in subsection (d), shall not be reduced or diminished by the failure of a higher or lower tier contractor under such contract to comply with such requirements, or by a failure of the contracting activity to provide the oversight required by subsection (c).”

(b) REVISED REGULATIONS AND CONTRACT CLAUSE.—

(1) DEADLINE FOR REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall revise the regulations prescribed pursuant to section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note) to incorporate the requirements of the amendments made by subsection (a).

(2) COMMENCEMENT OF APPLICABILITY OF REVISIONS.—The revision of regulations under paragraph (1) shall apply to the following:

(A) Any contract that is awarded on or after the date that is 120 days after the date of the enactment of this Act.

(B) Any task or delivery order that is issued on or after the date that is 120 days after the date of the enactment of this Act pursuant to a contract that is awarded before, on, or after the date that is 120 days after the date of the enactment of this Act.

(3) COMMENCEMENT OF INCLUSION OF CONTRACT CLAUSE.—A contract clause that reflects the revision of regulations required by the amendments made by subsection (a) shall be inserted, as required by such section 862, into the following:

(A) Any contract described in paragraph (2)(A).

(B) Any task or delivery order described in paragraph (2)(B).

**SEC. 832. EXTENSION OF REGULATIONS ON CONTRACTORS PERFORMING PRIVATE SECURITY FUNCTIONS TO AREAS OF OTHER SIGNIFICANT MILITARY OPERATIONS.**

(a) AREAS OF OTHER SIGNIFICANT MILITARY OPERATIONS.—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note), as amended by section 831, is further amended—

(1) by striking “combat operations” each place it appears and inserting “combat operations or other significant military operations”; and

(2) in subsection (f), as redesignated by such section 831—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(B) in paragraph (1)—

(i) by inserting “either” after “constituting”; and

(ii) by adding at the end the following: “In making designations under this paragraph, the Secretary shall ensure that an area is not designated in whole or part as both an area of combat operations and an area of other significant military operations.”; and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) OTHER SIGNIFICANT MILITARY OPERATIONS.—For purposes of this section, the term ‘other significant military operations’ means activities, other than combat operations, as part of an overseas contingency operation that are carried out by United States Armed Forces in an uncontrolled or unpredictable high-threat environment where personnel performing security functions may be called upon to use deadly force.”

(b) ADDITIONAL AREAS CONSIDERED FOR DESIGNATION.—

(1) DETERMINATION REQUIRED FOR CERTAIN AREAS.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall make a written determination for each of the following areas regarding whether or not the area constitutes an area of combat operations or an area of other significant military operations for purposes of designation as such an area under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note), as amended by this section:

(A) The Horn of Africa region.

(B) Yemen.

Deadline.	<p>(C) The Philippines.</p> <p>(2) <b>SUBMISSION TO CONGRESS.</b>—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a copy of each written determination under paragraph (1), together with an explanation of the basis for such determination.</p>
Applicability.	<p>(c) <b>LIMITATION AND EXCEPTION.</b>—Section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note), as amended by subsection (a) and by section 831, is further amended—</p> <p>(1) by redesignating subsection (g), as redesignated by such section 831, as subsection (h) and inserting after subsection (f) the following new subsection (g):</p> <p>“(g) <b>LIMITATION.</b>—With respect to an area of other significant military operations, the requirements of this section shall apply only upon agreement of the Secretary of Defense and the Secretary of State. An agreement of the Secretaries under this subsection may be made only on an area-by-area basis. With respect to an area of combat operations, the requirements of this section shall always apply.”; and</p> <p>(2) in subsection (h), as so redesignated—</p> <p>(A) by striking the subsection designation and “<b>EXCEPTION.</b>—” and inserting the following:</p> <p>“(h) <b>EXCEPTIONS.</b>—</p> <p>“(1) <b>INTELLIGENCE ACTIVITIES.</b>—”; and</p> <p>(B) by adding at the end the following new paragraph:</p> <p>“(2) <b>NONGOVERNMENTAL ORGANIZATIONS.</b>—The requirements of this section shall not apply to a nonprofit nongovernmental organization receiving grants or cooperative agreements for activities conducted within an area of other significant military operations if the Secretary of Defense and the Secretary of State agree that such organization may be exempted. An exemption may be granted by the agreement of the Secretaries under this paragraph on an organization-by-organization or area-by-area basis. Such an exemption may not be granted with respect to an area of combat operations.”</p> <p>(d) <b>REPORT ON IMPLEMENTATION.</b>—Not later than 180 days after a designation of an area as an area of combat operations or an area of other significant military operations pursuant to subsection (b)(2), the Secretary of Defense, in coordination with the Secretary of State, shall submit to Congress a report on steps taken or planned to be taken to implement the regulations prescribed under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note) in such area. In the case of any agreement by the Secretaries to limit the applicability of such section or exempt nongovernmental organizations from such section, pursuant to subsections (g) or (h)(1) of such section (as added by subsection (c)), the report shall document the basis for such agreement.</p>
10 USC 2302 note.	<p><b>SEC. 833. STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS.</b></p>
Deadline.	<p>(a) <b>REVIEW OF THIRD-PARTY STANDARDS AND CERTIFICATION PROCESSES.</b>—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—</p>
Determination.	<p>(1) determine whether the private sector has developed—</p>

