

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.
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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.

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- 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.
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- Sec. 1506. Defense-wide activities procurement.
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- 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.
- Sec. 1514. Drug Interdiction and Counter-Drug Activities, Defense-wide.
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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.
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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.
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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.
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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.
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 Sec. 2606. Authorization of appropriations, National Guard and Reserve.
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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.
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- Sec. 2801. Availability of military construction information on Internet.
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Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Notice-and-wait requirements applicable to real property transactions.
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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.
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Subtitle D—Energy Security

- Sec. 2831. Consideration of environmentally sustainable practices in Department energy performance plan.
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- Sec. 2841. Land conveyance, Defense Fuel Support Point (DFSP) Whittier, Alaska.
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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.

Deadline.	<p>(C) The Philippines.</p> <p>(2) SUBMISSION TO CONGRESS.—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> <p>(c) LIMITATION AND EXCEPTION.—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>
Applicability.	<p>“(g) LIMITATION.—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 “EXCEPTION.—” and inserting the following:</p> <p>“(h) EXCEPTIONS.—</p> <p>“(1) INTELLIGENCE ACTIVITIES.—”; and</p> <p>(B) by adding at the end the following new paragraph:</p> <p>“(2) NONGOVERNMENTAL ORGANIZATIONS.—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) REPORT ON IMPLEMENTATION.—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>SEC. 833. STANDARDS AND CERTIFICATION FOR PRIVATE SECURITY CONTRACTORS.</p>
Deadline.	<p>(a) REVIEW OF THIRD-PARTY STANDARDS AND CERTIFICATION PROCESSES.—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>

(A) operational and business practice standards applicable to private security contractors; and

(B) third-party certification processes for determining whether private security contractors adhere to standards described in subparagraph (A); and

(2) review any standards and processes identified pursuant to paragraph (1) to determine whether the application of such standards and processes will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations.

(b) REVISED REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the regulations promulgated under section 862 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 2302 note) to ensure that such regulations—

Deadline.
Criteria.

(1) establish criteria for defining standard practices for the performance of private security functions, which shall reflect input from industry representatives as well as the Inspector General of the Department of Defense; and

(2) establish criteria for weapons training programs for contractors performing private security functions, including minimum requirements for weapons training programs of instruction and minimum qualifications for instructors for such programs.

(c) INCLUSION OF THIRD-PARTY STANDARDS AND CERTIFICATIONS IN REVISED REGULATIONS.—

(1) STANDARDS.—If the Secretary determines that the application of operational and business practice standards identified pursuant to subsection (a)(1)(A) will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations, the revised regulations promulgated pursuant to subsection (b) shall incorporate a requirement to comply with such standards, subject to such exceptions as the Secretary may determine to be necessary.

(2) CERTIFICATIONS.—If the Secretary determines that the application of a third-party certification process identified pursuant to subsection (a)(1)(B) will make a substantial contribution to the successful performance of private security functions in areas of combat operations or other significant military operations, the revised regulations promulgated pursuant to subsection (b) may provide for the consideration of such certifications as a factor in the evaluation of proposals for award of a covered contract for the provision of private security functions, subject to such exceptions as the Secretary may determine to be necessary.

(d) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term “covered contract” means—

(A) a contract of the Department of Defense for the performance of services;

(B) a subcontract at any tier under such a contract;

or

(C) a task order or delivery order issued under such a contract or subcontract.

(2) **CONTRACTOR.**—The term “contractor” means, with respect to a covered contract, the contractor or subcontractor carrying out the covered contract.

(3) **PRIVATE SECURITY FUNCTIONS.**—The term “private security functions” means activities engaged in by a contractor under a covered contract as follows:

(A) Guarding of personnel, facilities, or property of a Federal agency, the contractor or subcontractor, or a third party.

(B) Any other activity for which personnel are required to carry weapons in the performance of their duties.

(e) **EXCEPTION.**—The requirements of this section shall not apply to contracts entered into by elements of the intelligence community in support of intelligence activities.

SEC. 834. ENHANCEMENTS OF AUTHORITY OF SECRETARY OF DEFENSE TO REDUCE OR DENY AWARD FEES TO COMPANIES FOUND TO JEOPARDIZE THE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

(a) **EXPANSION OF DISPOSITIONS SUBJECT TO AUTHORITY.**—Section 823 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2412; 10 U.S.C. 2302 note) is amended—

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

“(5) In an administrative proceeding, a final determination of contractor fault by the Secretary of Defense pursuant to subsection (d).”;

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

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

“(d) **DETERMINATIONS OF CONTRACTOR FAULT BY SECRETARY OF DEFENSE.**—

“(1) **IN GENERAL.**—In any case described by paragraph (2), the Secretary of Defense shall—

“(A) provide for an expeditious independent investigation of the causes of the serious bodily injury or death alleged to have been caused by the contractor as described in that paragraph; and

“(B) make a final determination, pursuant to procedures established by the Secretary for purposes of this subsection, whether the contractor, in the performance of a covered contract, caused such serious bodily injury or death through gross negligence or with reckless disregard for the safety of civilian or military personnel of the Government.

“(2) **COVERED CASES.**—A case described in this paragraph is any case in which the Secretary has reason to believe that—

“(A) a contractor, in the performance of a covered contract, may have caused the serious bodily injury or death of any civilian or military personnel of the Government; and

“(B) such contractor is not subject to the jurisdiction of United States courts.

“(3) **CONSTRUCTION OF DETERMINATION.**—A final determination under this subsection may be used only for the purpose