

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Subtitle B—Environmental Provisions

Reimbursement of Environmental Protection Agency for certain costs in connection with the former Nansmond Ordnance Depot Site, Suffolk, Virginia (sec. 311)

The committee recommends a provision that would authorize the Secretary of Defense to pay not more than \$68,623 as the final payment to reimburse the Environmental Protection Agency for costs incurred in overseeing the removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansmond Ordnance Depot Site, Suffolk, Virginia.

Subtitle C—Workplace and Depot Issues

Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities (sec. 321)

The committee recommends a provision to clarify the authority for the Army to enter into cooperative agreements with non-Army entities.

Improvement of inventory management practices (sec. 322)

The committee recommends a provision that would require the Secretary of Defense to develop a comprehensive plan for improving its inventory management systems with the objective of reducing costs incurred to acquire and store secondary inventory that is excess to requirements.

The Government Accountability Office has recommended that the Department of Defense improve its management of secondary inventory by improving demand forecasting procedures and providing better information to item managers. The military departments have adopted improved spare parts demand forecasting and life cycle cost analysis methodologies for selected programs. The committee encourages the Department to expand these efforts and adopt advanced predictive modeling and simulation methodology that incorporates asset demand-influencing factors such as time, usage, aging of parts, maintenance, and logistics support.

Temporary suspension of authority for public-private competitions (sec. 323)

The committee recommends a provision that would place a moratorium on the initiation of public-private competitions under Office of Management and Budget Circular A-76 until the Department of

Defense (DOD) implements the requirements of section 2330a of title 10, United States Code.

Section 2330a requires DOD to develop an inventory of activities performed for the Department by service contractors. The required inventory will provide critical information needed for DOD to rationalize its supplier base, develop effective human capital plans, and identify functions that should be considered for public-private competition.

Section 2330a required that the first inventory be submitted to Congress by not later than July 1, 2008. Instead of collecting the data required to meet this requirement, the Department submitted what it called a “prototype inventory list,” consisting of limited data available from existing sources. Further, the Department developed a “phased implementation” plan which does not provide for full compliance until July 1, 2011—a full 3 years after the statutory deadline.

The committee notes that DOD and other federal agencies complied with a requirement imposed by the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) to inventory functions performed by federal employees within 1 year of the date of enactment. The committee concludes that the Department is capable of producing the inventory required by section 2330a within a comparable period of time.

Extension of Arsenal Support Program Initiative (sec. 324)

The National Defense Authorization Act for fiscal year 2008 (Public Law 110–181) extended the Arsenal Support Program Initiative (ASPI) for 2 years and is currently set to expire at the end of fiscal year 2010. A report to accompany the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) directed a comprehensive depot study to assess a wide range of manufacturing and depot maintenance activities to include ASPI.

The committee remains concerned regarding the cost savings to the Army and encourages other authorities to be explored which will accomplish the same goals as ASPI.

Accordingly, the committee extends ASPI authority for 1 fiscal year and awaits the findings of the comprehensive depot study.

Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads (sec. 325)

The committee recommends a provision that would modify the date for the report required by section 2466 of title 10, United States Code, as requested by the Department of Defense.

Subtitle D—Energy Provisions

Energy security on Department of Defense installations (sec. 331)

The committee recommends a provision that would require the Secretary of Defense to develop a comprehensive plan for identifying and addressing areas in which electricity needed to carry out critical missions on Department of Defense installations is vulner-

able to disruption. The provision would: (1) direct the Secretary of Defense to work with federal, State and local regulatory authorities to address areas of vulnerability; and (2) authorize the Secretary to award contracts, grants, or other agreements to reimburse private parties for actions taken to address areas of vulnerability.

Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs (sec. 332)

The committee is concerned that the Department of Defense lacks a comprehensive and organized policy regarding energy. It appears that each service operates irrespective of each other due to lack of Department guidance, resulting in uneven accomplishments with respect to energy efficiencies. The committee recommends a provision that will also gain visibility on installation renewable energy projects, determine if existing funding mechanisms are sufficient, enhance installation energy security, and provide a cost and feasibility response for implementing the recommendations of the 2008 Defense Science Board study “More Fight—Less Fuel”.

Alternative aviation fuel initiative (sec. 333)

The committee recommends a provision that would establish goals for the alternative aviation fuel initiative of the Air Force. The provision would also require the submission of reports by the Air Force, the Army, the Navy, and the Defense Science Board.

Authorization of appropriations for Director of Operational Energy (sec. 334)

The committee recommends a provision that would authorize funding for the Director of Operational Energy Plans and Programs authorized in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417).

Subtitle E—Reports

Study on Army modularity (sec. 341)

The committee recommends a provision that would require the Secretary of Defense to contract for an independent study on the current and planned modularity structures of the Army.

Modularity refers to the Army’s fundamental reconfiguration of its force from a large division-based to a brigade-based structure. The new modular brigade combat team (BCT) is intended to have an increased capability to operate independently based upon embedded combat support capabilities such as military intelligence, reconnaissance, and logistics. Although somewhat smaller in size, the new modular brigades are supposed to be just as or more capable than the divisional brigades they replace because they will have a more capable mix of equipment—such as advanced communications, intelligence, and surveillance systems.

At its inception in 2004, the conversion of Army divisional combat brigades to this new modular structure were projected to be accomplished in 3 years, without the need for additional end-strength, and at a cost of \$21 billion. Since then, however, the modularity initiative has grown in scope, duration, and cost.

Through fiscal year 2008, the Army has established over 80 percent of its planned modular units, however, estimates on how long it will take to equip this force as required in authorization documents has slipped from 2011 to 2019.

A June 2009 Congressional Budget Office (CBO) study found that the modularity program has cost more and yielded fewer benefits than were originally estimated. The Army has had to add personnel to support the additional units created within the BCTs. Planned increases in personnel end-strength were unlikely to be sufficient to fully support the force structure of the Army's originally planned growth to 76 brigade combat teams (BCT). For this reason and others, Secretary Gates has announced that Army active component growth would be limited to 45 instead of 48 BCTs. The CBO also found that although modular BCTs might require less time to prepare to respond to an overseas contingency than the divisional brigades they replaced, they require roughly the same amount of time to transport their equipment overseas. Finally, the CBO noted that costs to carry out the initiative have grown beyond the initial estimate of \$21.0 billion and may total more than \$140.0 billion through 2013.

In its November 2008 study of Army modularity, the Government Accountability Office (GAO) observed that the Army is making progress in fielding its modular units but does not have an objective, results oriented, fully funded plan to equip and man this new structure to documented authorization levels. Despite assuming increased modular unit capabilities based on new or soon to be available technologies, Army projections to achieve its aggregate equipping requirements are based partly on the indefinite use of some older equipment. The GAO also found that the Army does not have a comprehensive plan to evaluate the modular force.

The Army argues that they will have completed conversion to the initial modular force by fiscal year 2013 and that plans upon which the conversion is based must be flexible to reflect the changing requirements and timelines of an Army at war. Modular transformation, the Army argues, is a "process" rather than an end-state. The Army must constantly adapt to evolving threats and capture these requirement changes in structure and equipment. The Army uses the Army Force Generation (ARFORGEN) model and equipment substitution to manage the prioritization, fill, and cost of equipment and personnel to modular units. With respect to evaluation of its modular designs, the Army says that initial modeling revealed that modular units would be at least as good as the units it replaced and that comprehensive and continuous evaluations have yielded over 130 design updates since 2004.

The committee is concerned by these wide differences between the CBO, GAO, and Army and their assessments of the analytical basis, performance, and cost of the Army's modular unit transformation. Measureable, stable, and documented requirements and then unit fill for personnel and equipment are a fundamental starting point to an assessment of any unit's readiness and evaluation of its capability to conduct the missions for which it is designed. Modular BCTs have been rotating into and out of Iraq and Afghanistan since 2005. Based on this combat experience, the Army notes it has made over 130 design updates. However, none of these up-

dates appear to challenge or change the core structural design of the modular combat brigade. For example, the heavy and light modular combat brigades each have two maneuver battalions (typically infantry or armor) assigned. Yet many BCT commanders in Iraq or Afghanistan will use the reconnaissance squadron as a third maneuver unit instead of the mission for which it is designed. At a hearing on military land power in March this year, the Subcommittee on Airland received testimony from a former BCT commander in Iraq arguing that the modular heavy and light brigades should add a third maneuver battalion.

The committee notes that unresolved questions about the operational capabilities and personnel and equipment requirements of the Army's modular unit structure makes it difficult to reliably estimate requirements for end-strength and equipment modernization and procurement. Accordingly, the committee believes a comprehensive study by an independent, federally funded research and development center is merited.

Budget Items

Army

Generation III Extended Cold Weather Clothing System

The budget request included \$730.9 million in Operation and Maintenance, Army (OMA) for land forces readiness, but included no funds for the Generation III Extended Cold Weather Clothing System (ECWCS). The Generation III ECWCS weighs 25 percent less than previous clothing systems, uses 33 percent less space in a soldier's pack, and integrates near infrared technologies into the garments reducing detection at night. The committee recommends an increase of \$8.0 million in OMA for Generation III ECWCS.

Funding for strategic planning and implementation of inter-agency training, education, and research in support of rule of law operations

The committee recognizes that in current stability operations abroad, training, education, and implementation of methods to support adherence to the rule of law within emerging governmental systems has been a goal assigned the highest priority. Currently, there is no adequate means to facilitate training, research, and collaboration across interagency and non-governmental lines. Designation of a properly qualified and resourced site is quickly needed for the development of strategic plans and updated training in collaborative, rule of law efforts to develop an understanding of potential new, broad-based approaches. Accordingly, the committee authorizes \$0.5 million in Operation and Maintenance, Army, to support strategic planning and interagency training in rule of law efforts.

Navy

Naval aviation depot maintenance

The budget request included \$35.0 billion for Operation and Maintenance, Navy (OMN) but only \$1.0 billion for aviation maintenance. The Navy identified risk and a shortage in its unfunded requirements for aviation depot maintenance for fiscal year 2010.

The Navy has stated this unfulfilled maintenance requirement is executable. The committee recommends an increase of \$195.0 million in OMN for aviation depot maintenance.

Naval ship depot maintenance

The budget request included \$35.0 billion for Operation and Maintenance, Navy (OMN) but only \$4.2 billion for ship depot maintenance. The Navy identified risk and unfunded requirements for ship depot maintenance for fiscal year 2010. The Navy has stated this unfunded maintenance requirement is executable. The committee recommends an increase of \$200.0 million in OMN for ship depot maintenance.

Transfer of funding from overseas contingency operations to base budget

The committee observed that the Navy had to cancel ship maintenance availabilities during the last fiscal year due to a shortage of Operation and Maintenance, Navy (OMN), funding. The committee believes funding needs to be transferred from overseas contingency operations (OCO) funding to the base budget to avoid underfunding ship maintenance in fiscal year 2010. Accordingly, the committee recommends a transfer of \$568.8 million to OMN from the OCO to the base budget.

United States Joint Forces Command National Program for Small Unit Excellence

The budget request included \$8.75 million in Operation and Maintenance, Navy (OMN) for the creation of the National Program for Small Unit Excellence. The committee is encouraged by the United States Joint Forces Command's (JFCOM) intent to develop a comprehensive approach to small unit excellence by drawing upon academia, lessons learned from Iraq and Afghanistan, and the conferences held to date. However, the committee is concerned that additional steps must first be taken to evaluate small unit training doctrine in order to ensure the most efficient and effective training is developed by the appropriate agencies. The committee believes training standards, established irregular warfare doctrine, and integrated requirements are currently lacking. Additionally, the committee is not yet convinced the Center's focus is not already an established training focus within the individual Services, and that the center may be duplicative rather than complementary.

Accordingly, the committee recommends a decrease of \$7.0 million in OMN and \$3.0 of Other Procurement, Navy for the National Small Unit Center for Excellence. The committee authorizes \$10.0 million in research, development, test, and evaluation for efforts related to the proposed National Program for Small Unit Excellence. The committee directs that none of these funds be used for the establishment of a center. The committee directs that the funds be used by the Commander of JFCOM to invest in initiatives that will support the development of small unit capabilities in the services, and that the priority for funding shall be initiatives that are cost-shared with a service or defense agency.

Gun depot overhauls

The budget request included \$448.7 million in Operation and Maintenance, Navy, (OMN) for weapons maintenance, but provided no funds for Mk 45 Mod 5" gun depot overhauls. The committee recommends an increase of \$12.0 million in OMN for Mk 45 Mod 5" gun depot overhauls.

Naval Strike Air Warfare Center training

The budget request included \$477.3 million in Operation and Maintenance, Navy (OMN) for specialized skill training, but provided no funds for the Naval Strike Air Warfare Center (NSAWC). Additional funding will provide equipment, survey data, simulator support, range development, curriculum development, and computer technician support to the NSAWC for direct training of joint terminal attack controllers and pilots in support of Operation Enduring Freedom and Operation Iraqi Freedom. The committee recommends an increase of \$850,000 in OMN for the NSAWC.

Marine Corps**Advanced load bearing equipment**

The budget request included \$730.9 million in Operation and Maintenance, Marine Corps (OMMC) for operational forces, but provided no funds for the advanced load bearing equipment (ALBE). The load bearing system assists marines in carrying large amounts of equipment, ammunition, and weapons needed in training and combat. Increased operational tempo in Afghanistan often causes equipment to wear out faster than anticipated. The ALBE upgrades the load bearing system with more rugged pouches, packs, and slings. The committee recommends an increase of \$3.0 million in OMMC for ALBE.

Marine Corps shelters

The budget request included \$730.9 million in Operation and Maintenance, Marine Corps (OMMC) for operational forces, but provided no funds for the Family of Shelters and Tents (FST). The committee recommends an increase of \$3.0 million in OMMC for FST.

Cold Weather Layering System

The budget request included \$730.9 million in Operation and Maintenance, Marine Corps (OMMC) for operational forces, but included no funds for the Cold Weather Layering System (CWLS). The CWLS is a unique system, is often consumed by use during a single deployment, and is an urgent operational need in theater. The committee recommends an increase of \$5.0 million in OMMC for CWLS.

Air Force**Mission essential airfield operations equipment**

The budget request included \$2.8 billion in Operation and Maintenance, Air Force (OMAF) for base operations, but provided no funds for the equipping and replacement of mission essential air-

field operations equipment. The committee recommends a \$3.5 million increase in OMAF to provide mission essential equipment and replacement equipment.

National Security Space Institute

The committee recommends an increase of \$3.0 million for the National Security Space Institute (NSSI) in Operation and Maintenance, Air Force (OMAF), line 090. The committee supports the National Security Space Institute as the center for space professional and educational training for all the military services. Currently the NSSI is not able to accommodate all those who need to take these classes. The committee is also concerned that the joint focus of the space education might be lost as a result of the recent decision to split up the NSSI. The committee directs the Secretary of the Air Force, in consultation with the Secretaries of the other military services, to report back to the committee on the impacts of the division of the NSSI and whether all space training and education requirements are being met. The committee will continue to review the management of the space cadres in each service.

Overstatements of civilian personnel pay requirements

Analysis performed by the Government Accountability Office based on the services' civilian personnel end strength data as of April 2009, projects that the Department of the Air Force's civilian personnel costs is overstated for fiscal year 2010 by \$588.1 million. Accordingly, the committee recommends a decrease of \$538.1 million in Operation and Maintenance, Air Force for overstatement of civilian personnel pay.

Defense-wide

Readiness and Environmental Protection Initiative

The budget request included \$36.7 million in Operation and Maintenance, Defense-wide (OMDW) for the Readiness and Environmental Protection Initiative (REPI). This represents a decrease from the \$39.8 million requested for fiscal year 2009.

The committee believes the military departments should continue to pursue the voluntary agreements with other public and private entities as authorized under section 2684a of title 10, United States Code, to prevent the development or use of property that would be incompatible with the mission of an installation, and preserve habitat that is compatible with environmental requirements that might otherwise result in current or anticipated environmental restrictions on military bases.

Since Congress provided the authority in 2003, over 130 projects have been initiated conserving more than 76,000 acres at 53 military installations in 23 states. More can be done to protect important military test and training assets and to preserve the land around installations.

The committee recommends an increase of \$25.0 million in OMDW for REPI and directs that the military departments give priority to projects that benefit critical mission training sites that

have the greatest potential to prevent or reduce encroachment through the creation of compatible use buffer zones.

Authorization of appropriations for Director of Operational Energy

The committee created the Director of Operational Energy Plans and Programs in the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417). The committee therefore authorizes \$5.0 million of Operation and Maintenance, Defense-wide, for the Director of Operational Energy Plans and Programs.

Defense readiness reporting system

The budget request included \$7.4 million in Operation and Maintenance, Defense-wide, for the Defense Readiness Reporting System (DRRS). The committee recommends an increase of \$5.0 million for the acceleration of the development and deployment of DRRS. The committee remains aware of the challenges associated with the accurate, reliable, timely measurement, and reporting of the readiness of military forces. The current readiness reporting system, Global Status of Resources and Training System (GSORTS), is inadequate to meet the demands of the force rotation strategy that supports operations in Iraq, Afghanistan, and around the world. The Department of Defense (DOD), Joint Staff, and the United States Joint Forces Command continue to lack the visibility of deployed and non-deployed forces' capabilities and readiness required to manage global military commitments.

In June 2002, DOD issued a directive establishing the DRRS, a capabilities-based, adaptive, near-term readiness reporting system. The directive requires all components to align their readiness reporting processes with DRRS. Since then, we understand DOD and the services have taken a number of steps but that DRRS is not yet fully operational and aligned with the services' reporting processes.

The committee supports the Department's development of DRRS as an important management modernization and replacement for GSORTS. However, the Government Accountability Office (GAO) reports that significant shortfalls remain in the implementation of DRRS, stability of requirements, adequacy of testing, and overall management and oversight of the program. The committee remains concerned that the Department has yet to successfully plan, organize, resource, execute tests, and full deployment for DRRS within the Global Command and Control System.

Additionally, the committee is aware that GAO has not reported the technology readiness of DRRS. Accordingly, the committee directs the Director of Defense Research and Engineering, in conjunction with the Assistant Secretary of Defense (Networks & Information Integration) and the Office of the Secretary of Defense, Personnel & Readiness, to jointly undertake a review of the technological maturity of the critical technology elements and systems integration issues related to DRRS. A report to the defense committees shall be delivered no later than 120 days after enactment of this act.

Commercial imagery acquisition

The budget request included classified amounts in Operation and Maintenance, Defense-wide, in the National Geospatial Intelligence Agency budget to initiate the competitive acquisition through the commercial data providers (CDPs) of the equivalent capacity of two 1.1-meter electro-optical (EO) imaging satellites to augment the capacity currently under contract. This decision was made because the Department of Defense (DOD) wants to ensure that at least moderate resolution EO capability is available to the warfighter from multiple satellites with minimum risk. In deliberations within the administration on the broad national and defense reconnaissance architecture, DOD had proposed building satellites with 1.5-meter apertures, on the grounds that these would be adequate to meet DOD needs, would be more affordable, and, by buying more of them, would be more survivable and sustainable from a space protection and industrial base perspective.

The Secretary of Defense recently testified to the Senate that the Department made the decision to acquire more 1.1-meter imagery rather than higher quality 1.5-meter imagery due to concerns about schedule and technology risk with the “upper tier” of capability that the Director of National Intelligence recently decided to acquire. After careful consideration of the schedule and risks involved, the committee concludes that DOD can prudently substitute one 1.5-meter commercial-class satellite for one of the 1.1-meter satellite equivalents proposed in the budget request.

The committee believes that it is within the capacity of the commercial imagery industry to produce one or more 1.5-meter satellites before the period of risk identified by the Secretary. The committee believes furthermore that, by acquiring the capability of a 1.5-meter satellite, DOD will substantially reduce the consequences to the Nation in the event that the schedule and technical risks identified by the Secretary are realized.

The committee, therefore, directs the Director of the National Geospatial Intelligence Agency to competitively acquire the equivalent capacity of at least one 1.5-meter commercial imagery satellite on a schedule keyed to the risks identified by the Secretary. The committee will leave it to DOD to decide whether to buy the satellite outright or to acquire capacity through the CDPs. The committee recommends, however, that DOD operate the acquired satellite or capacity through one or more of the CDPs, on mutually agreeable terms. The committee encourages the Department to structure these commercial imagery acquisitions to minimize cost and technical and schedule risk.

The committee fully supports the administration’s decision to build a secure and responsive tasking, processing, and dissemination capability, enabling for the first time routine use of commercial imagery for time-sensitive operational support and intelligence analysis, as opposed to mapping, charting, and geodesy.

The committee requests that the Secretary of Defense provide to the congressional intelligence and defense committees prior to conference on the National Defense Authorization Act for Fiscal Year 2010 an estimate of any additional funds that may be required to acquire 1.5-meter imagery.

Department of Defense Education Activity Operation & Maintenance funding

The amount authorized to be appropriated for the Department of Defense Education Activity Operation and Maintenance account includes the following changes from the budget request. The provisions underlying these changes in funding levels are discussed in greater detail in title V of this committee report.

[Changes in millions of dollars]

Impact aid for schools with military dependent students	30.0
Assistance for schools with military students due to rebasing	10.0
Impact aid for children with severe disabilities	5.0
Military community support for autism	5.0
Total	50.0

Undistributed bulk fuel savings

Analysis performed by the Government Accountability Office shows that the Department of Defense overstated its funding requirements for refined oil for fiscal year 2010 by \$611.0 million, based on updated economic assumptions for the cost of refined oil as of May 2009. Accordingly, the committee recommends a decrease of \$596.2 million in Operation and Maintenance, Defense-wide, undistributed, for fuel savings.

Software licenses

The committee recommends a general reduction of \$50.0 million from Operation and Maintenance, Defense-wide, for funds intended for payment of new software license fees. Elsewhere in this report, the committee highlights a number of concerns about the Department's coordination and management of software license purchases, and directs a review of the issue.

Army Reserve

Mobile corrosion protection Army Reserve

The budget request included \$106.5 million in Operation and Maintenance, Army Reserve (OMAR) for land forces system readiness. The committee recommends an increase of \$3.6 million in OMAR for mobile corrosion protection and abatement.

Army National Guard

Mobile corrosion protection Army National Guard

The budget request included \$99.7 million in Operation and Maintenance, Army National Guard (OMARNG) for land forces systems readiness activities. The committee recommends an increase of \$3.6 million in OMARNG for mobile corrosion protection and abatement.

Controlled humidity protection

The budget request included \$3.3 billion in Operation and Maintenance, Air National Guard (OMANG) for air operations, but provided no funds for controlled humidity protection. The Government Accountability Office has found that the readiness and safety of

military equipment can be severely degraded by corrosion. The Department of Defense spends billions of dollars annually to address corrosion damage that could be avoided with increased prevention and mitigation technology such as controlled humidity protection. The committee recommends an increase of \$2.7 million in OMANG for controlled humidity protection.

Unobligated Balances

Unobligated balances decrease in funding

The committee is aware that the challenges associated with operations in Iraq and Afghanistan create a difficult fiscal management situation, especially for the Army and Marine Corps. However, the Department of Defense continues to under-execute its Operation and Maintenance (O&M) appropriations for the active and reserve components. According to the Government Accountability Office (GAO), the military departments had \$1.2 billion in average yearly unobligated balances for fiscal years 2004 through 2008.

The committee recalls that 4 years ago the Department began to reduce the O&M portion of its annual funding request and future-years defense program before submission to Congress based, in part, on the GAO analysis of unobligated balances. The Department also underfunds important maintenance and activities in its annual request in anticipation of supplemental appropriations. Whether made available in annual or supplemental appropriations, the Department and services must ensure that taxpayer dollars are appropriately managed to provide the best possible readiness for the force and avoid the expiration of obligating authority. Therefore, the committee recommends a decrease to the Department's O&M accounts, as follows: Operation and Maintenance, Army, \$350.0 million, Operation and Maintenance, Navy, \$150.0 million, Operation and Maintenance, Air Force, \$150.0 million, and Operation and Maintenance, defense wide, \$150.0 million.

Items of Special Interest

Army organizational structure and personnel requirements

The committee has over the years expressed its concern with the limited dwell time for members of the United States Armed Forces committed to Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF). The committee is especially concerned with the limited dwell time for the soldiers of the Army's active component. In hearing testimony earlier this year before the Subcommittee on Airland, witnesses raised questions about whether or not the Army was appropriately large enough or organized for the types of conflicts in which it is currently engaged or may become engaged in the future.

The Secretary of Defense recently recommended capping the growth of the active Army at 45 Brigade Combat Teams (BCTs), rather than the previously planned goal of 48 BCTs as part of the end strength growth begun in 2007. The Secretary essentially argues that the Army is over-structured and undermanned or that there are more units than there are soldiers to fill them. Rather than increase end strength beyond the 547,400 planned, the Sec-

retary has chosen to limit the growth of unit structure. The committee requires additional information from the Department of Defense in order to more comprehensively assess the manning, readiness, operational implications, and risk of this decision.

The committee therefore directs that the Secretary of the Army, not later than March 1, 2010, shall submit to the congressional defense committees an unclassified report, with a classified annex as appropriate, that provides an analysis, comparison, and projected impacts of limiting the Army's active component to 45 rather than 48 BCTs through 2012. This analysis shall include an assessment of how the decision to keep the Army's active component at 45 combat brigades would impact unit time-deployed to time-at-home ratios for the Army's BCTs, as well as the time-deployed to time-at-home ratios by officer and enlisted grade for the 30 military occupational specialties in highest demand to support OEF and OIF. In making these analyses, the report shall discuss the risks associated with these time-deployed to time-at-home ratios and requirements projections in the event that demand for U.S. forces does not significantly diminish through 2012.

The committee is also concerned that the demand for non-standard units, such as security assistance training teams and headquarters staffs, puts additional stress on standard unit readiness and high demand military skills. Accordingly, the committee directs that the report shall include an analysis and projected impacts of personnel requirements for ad hoc units and individual augmentees through 2012 to meet requirements to support OEF and OIF, including:

- Individual Army augmentees deployed to support staff requirements at higher headquarters echelons such as Multinational Forces-Iraq, Multinational Corps-Iraq, the International Security Assistance Force, U.S. Forces-Afghanistan, and other relevant echelons above brigade of U.S. forces supporting OEF and OIF.
- Specialized organizations that have been created to meet theater-specific requirements in OEF and OIF, such as Task Force ODIN, Multinational Security Transition Assistance Command, Provincial Reconstruction teams, and other ad hoc organizations created for specific theater requirements in OEF and OIF. This would also include units tasked with a security force assistance mission or other non-standard task-organized units such as military transition teams, advisory and assistance brigades, and other units uniquely organized, equipped, trained, and deployed for OEF and OIF.
- The impact on BCTs of junior and mid-grade officer and non-commissioned officers demand to fill ad hoc staff or unit requirements in theater.

Within 30 days of the completion of this report, the Secretary of Defense shall submit to the congressional defense committees a report describing steps that the Department of Defense has taken and plans to implement that will improve the time-deployed to time-at-home ratios for the Army active component.

Continued assessment of plans for contracting support in combatant command operational plans

The report to accompany the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) directed the Government Accountability Office (GAO) to conduct an assessment of the implementation of the directives contained in the Chairman of Joint Chiefs of Staff Memorandum 3133.03C. The assessment was to evaluate the contracting support plans for combatant command operations plans as reported in the Quarterly Readiness Report to Congress (QRRC) as required by section 482 of title 10, United States Code.

However, preliminary indications from GAO suggest that combatant command planning related to contracting support for contingency operations has been slow to start and applied unevenly.

The committee continues to believe that contingency plans must have comprehensive, detailed, and realistic contracting support plans that meet the operational requirements of the force before, during, and after combat operations.

The committee directs the Secretary of Defense to include with each QRRC submitted in 2010 and 2011 an identification of the operational plans that require a contracting annex, for which plans the contracting annex has been drafted, and for which plans the contracting annex has been approved.

The GAO assessment, as originally required by the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), is due to congressional defense committees not later than September 30, 2009. The committee extends the deadline to March 30, 2010. The committee expects the Department will cooperate with GAO's review of the contracting annexes of these plans.

Cost-benefit analysis of depot maintenance workload associated with AV–8B Harrier weapons system

The committee directs the Secretary of the Navy to submit a report to the Committees on Armed Services of the Senate and the House of Representatives identifying each alternative the Secretary is considering for the performance of AV–8B planned maintenance interval events and concurrent aircraft modifications. The report shall include a justification for the alternative selected or recommended by the Secretary, including a cost-benefit analysis and an explanation of how the alternative is consistent with the requirements of chapter 146 of title 10, United States Code (including the requirement for the Department of Defense to identify and maintain core logistics capabilities).

Depot-level maintenance and repair

Depot maintenance is a key part of the total Department of Defense (DOD) logistics system that helps to support the readiness and sustainability of major weapon systems. Section 2466 of title 10, United States Code, states that not more than 50 percent of the funds made available to a military department or defense agency for depot-level maintenance and repair may be used to contract for performance by the private sector.

The Under Secretary of Defense for Acquisition, Technology, and Logistics has explained the Department's interpretation and application of this requirement as follows:

“Although the current section 2460 excludes the procurement of major modifications or upgrades of weapon systems that are designed to improve program performance from the definition of depot maintenance and repair, DOD depot maintenance, repair, and modification of weapon systems are typically done in an integrated manner. Under these circumstances, it is difficult to separately account for and track individual labor elements, although there can be a clear accounting between labor and parts. For this reason, in reporting 50/50 compliance since 1998, DOD has included the installation of all modification and upgrades, while excluding the acquisition of associated parts.”

The committee directs the Department to coordinate with the committee before implementing any significant change to the interpretation and application of the requirements of section 2466.

Pollution Prevention Program

The committee believes it is important for the Department of Defense and the military departments to continue to pursue pollution prevention strategies and technologies that will further reduce waste streams, protect people and the environment, meet regulatory requirements, and, ultimately, save money in terms of conservation, compliance, and cleanup. The committee notes that the President's budget request includes a substantial decrease in pollution prevention funding in fiscal year 2010 as compared to the previous few years. While some of the costs associated with pollution prevention can be absorbed in the Department's environmental compliance program, and some of the onus for developing pollution prevention strategies can be passed to the acquisition programs through green procurement initiatives, it is important to maintain a robust pollution prevention program that will identify strategies, technologies and techniques, and that maintains clear lines of responsibility and accountability for program management. The committee urges the Department to develop appropriate mechanisms to ensure that the Department: (1) funds pollution prevention projects that are likely to result in significant savings or significantly improve the Department's environmental performance; and (2) can track investments in pollution prevention and the payback from such investments, regardless of the source of funding for such investments.