

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR
2013

_____, 2012.—Ordered to be printed

Mr. McKeon, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 4310]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4310), to authorize appropriations for fiscal year 2013 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Defense Au-
3 thorization Act for Fiscal Year 2013”.

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

6 (a) DIVISIONS.—This Act is organized into four divi-
7 sions as follows:

8 (1) Division A—Department of Defense Au-
9 thorizations.

10 (2) Division B—Military Construction Author-
11 izations.

12 (3) Division C—Department of Energy Na-
13 tional Security Authorizations and Other Authoriza-
14 tions.

15 (4) Division D—Funding Tables.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army CH-47 helicopters.

Sec. 112. Reports on airlift requirements of the Army.

Subtitle C—Navy Programs

- Sec. 121. Extension of Ford class aircraft carrier construction authority.
- Sec. 122. Multiyear procurement authority for Virginia class submarine program.
- Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.
- Sec. 124. Limitation on availability of amounts for second Ford class aircraft carrier.
- Sec. 125. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.
- Sec. 126. Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program.
- Sec. 127. Report on Littoral Combat Ship designs.
- Sec. 128. Comptroller General review of Littoral Combat Ship program.
- Sec. 129. Sense of Congress on importance of engineering in early stages of shipbuilding.
- Sec. 130. Sense of Congress on nuclear-powered ballistic submarines.
- Sec. 131. Sense of Congress on Marine Corps amphibious lift and presence requirements.
- Sec. 132. Sense of the Senate on Department of the Navy fiscal year 2014 budget request for tactical aviation aircraft.

Subtitle D—Air Force Programs

- Sec. 141. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.
- Sec. 142. Retirement of B-1 bomber aircraft.
- Sec. 143. Avionics systems for C-130 aircraft.
- Sec. 144. Treatment of certain programs for the F-22A Raptor aircraft as major defense acquisition programs.

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- Sec. 151. Multiyear procurement authority for V-22 joint aircraft program.
- Sec. 152. Procurement of space-based infrared systems satellites.
- Sec. 153. Limitation on availability of funds for evolved expendable launch vehicle program.
- Sec. 154. Limitation on availability of funds for retirement of RQ-4 Global Hawk unmanned aircraft systems.
- Sec. 155. Requirement to set F-35 aircraft initial operational capability dates.
- Sec. 156. Shallow Water Combat Submersible program.
- Sec. 157. Requirement that tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicles use specified standard data link.
- Sec. 158. Study on small arms and small-caliber ammunition capabilities.

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- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Next-generation long-range strike bomber aircraft nuclear certification requirement.

- Sec. 212. Extension of limitation on availability of funds for Unmanned Carrier-launched Surveillance and Strike system program.
- Sec. 213. Limitation on availability of funds for milestone A activities for an Army medium range multi-purpose vertical takeoff and landing unmanned aircraft system.
- Sec. 214. Use of funds for conventional prompt global strike program.
- Sec. 215. Next Generation Foundry for the Defense Microelectronics Activity.
- Sec. 216. Advanced rotorcraft initiative.

Subtitle C—Missile Defense Programs

- Sec. 221. Prohibition on the use of funds for the MEADS program.
- Sec. 222. Availability of funds for Iron Dome short-range rocket defense program.
- Sec. 223. Authority for relocation of certain Aegis weapon system assets between and within the DDG-51 class destroyer and Aegis Ashore programs in order to meet mission requirements.
- Sec. 224. Evaluation of alternatives for the precision tracking space system.
- Sec. 225. Next generation Exo-atmospheric Kill Vehicle.
- Sec. 226. Modernization of the Patriot air and missile defense system.
- Sec. 227. Evaluation and environmental impact assessment of potential future missile defense sites in the United States.
- Sec. 228. Homeland ballistic missile defense.
- Sec. 229. Regional ballistic missile defense.
- Sec. 230. NATO contributions to missile defense in Europe.
- Sec. 231. Report on test plan for the ground-based midcourse defense system.
- Sec. 232. Sense of Congress on missile defense.
- Sec. 233. Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense.

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- Sec. 241. Mission packages for the Littoral Combat Ship.
- Sec. 242. Study on electronic warfare capabilities of the Marine Corps.
- Sec. 243. Conditional requirement for report on amphibious assault vehicles for the Marine Corps.
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- Sec. 245. National Research Council review of defense science and technical graduate education needs.

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- Sec. 313. Department of Defense guidance on environmental exposures at military installations and briefing regarding environmental exposures to members of the Armed Forces.
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- Sec. 315. Limitation on obligation of Department of Defense funds from Defense Production Act of 1950 for biofuel refinery construction.
- Sec. 316. Sense of Congress on protection of Department of Defense airfields, training airspace, and air training routes.

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- Sec. 353. Limitation on authorization of appropriations for the National Museum of the United States Army.
- Sec. 354. Limitation on availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships.
- Sec. 355. Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law.

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- Sec. 363. Duties of the Commission.
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- Sec. 366. Termination of the Commission.
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- Sec. 372. Comptroller General review of handling, labeling, and packaging procedures for hazardous material shipments.

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- Sec. 402. Revision in permanent active duty end strength minimum levels.
- Sec. 403. Annual limitation on end strength reductions for regular component of the Army and Marine Corps.
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- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.
- Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

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- Sec. 502. Reinstatement of authority for enhanced selective early retirement boards and early discharges.
- Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 504. Exception to required retirement after 30 years of service for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
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- Sec. 507. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.
- Sec. 508. Air Force Chief of Chaplains.

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- Sec. 519. Diversity in the Armed Forces and related reporting requirements.
- Sec. 520. Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
- Sec. 521. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.
- Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
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- Sec. 544. State consideration of military training in granting certain State certifications and licenses as a condition on the receipt of funds for veterans employment and training.
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- Sec. 573. Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses.

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- Sec. 724. Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs.
- Sec. 725. Research and medical practice on mental health conditions.
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- Sec. 735. Study on health care and related support for children of members of the Armed Forces.
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- Sec. 802. Review and justification of pass-through contracts.
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- Sec. 906. Information for Deputy Chief Management Officer of the Department of Defense from the military departments and Defense Agencies for defense business system investment reviews.

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- Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
- Sec. 3502. Application of the Federal Acquisition Regulation.
- Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
- Sec. 3504. Donation of excess fuel to maritime academies.
- Sec. 3505. Clarification of heading.
- Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.
- Sec. 3507. Amendments relating to the National Defense Reserve Fleet.
- Sec. 3508. Extension of Maritime Security Fleet program.
- Sec. 3509. Container-on-barge transportation.
- Sec. 3510. Short sea transportation.
- Sec. 3511. Maritime environmental and technical assistance.
- Sec. 3512. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
- Sec. 3513. Maritime workforce study.
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- Sec. 3515. Requirement for barge design.
- Sec. 3516. Eligibility to receive surplus training equipment.
- Sec. 3517. Coordination with other laws.

DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.
- Sec. 4102. Procurement for overseas contingency operations.

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- Sec. 4201. Research, development, test, and evaluation.
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- Sec. 4301. Operation and maintenance.
- Sec. 4302. Operation and maintenance for overseas contingency operations.

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- Sec. 4401. Military personnel.
- Sec. 4402. Military personnel for overseas contingency operations.

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- Sec. 4501. Other authorizations.
- Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

- Sec. 4601. Military construction.
- Sec. 4602. Military construction for overseas contingency operations.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy National Security programs.

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

2 For purposes of this Act, the term “congressional de-
3 fense committees” has the meaning given that term in sec-
4 tion 101(a)(16) of title 10, United States Code.

5 **DIVISION A—DEPARTMENT OF**
6 **DEFENSE AUTHORIZATIONS**
7 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army CH-47 helicopters.

Sec. 112. Reports on airlift requirements of the Army.

Subtitle C—Navy Programs

Sec. 121. Extension of Ford class aircraft carrier construction authority.

Sec. 122. Multiyear procurement authority for Virginia class submarine pro-
gram.

Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers
and associated systems.

Sec. 124. Limitation on availability of amounts for second Ford class aircraft
carrier.

Sec. 125. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.

Sec. 126. Designation of mission modules of the Littoral Combat Ship as a
major defense acquisition program.

Sec. 127. Report on Littoral Combat Ship designs.

Sec. 128. Comptroller General review of Littoral Combat Ship program.

Sec. 129. Sense of Congress on importance of engineering in early stages of
shipbuilding.

Sec. 130. Sense of Congress on nuclear-powered ballistic submarines.

Sec. 131. Sense of Congress on Marine Corps amphibious lift and presence re-
quirements.

Sec. 132. Sense of the Senate on Department of the Navy fiscal year 2014
budget request for tactical aviation aircraft.

Subtitle D—Air Force Programs

Sec. 141. Reduction in number of aircraft required to be maintained in stra-
tegic airlift aircraft inventory.

Sec. 142. Retirement of B-1 bomber aircraft.

Sec. 143. Avionics systems for C-130 aircraft.

Sec. 144. Treatment of certain programs for the F-22A Raptor aircraft as major defense acquisition programs.

Subtitle E—Joint and Multiservice Matters

- Sec. 151. Multiyear procurement authority for V-22 joint aircraft program.
- Sec. 152. Procurement of space-based infrared systems satellites.
- Sec. 153. Limitation on availability of funds for evolved expendable launch vehicle program.
- Sec. 154. Limitation on availability of funds for retirement of RQ-4 Global Hawk unmanned aircraft systems.
- Sec. 155. Requirement to set F-35 aircraft initial operational capability dates.
- Sec. 156. Shallow Water Combat Submersible program.
- Sec. 157. Requirement that tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicles use specified standard data link.
- Sec. 158. Study on small arms and small-caliber ammunition capabilities.

1 **Subtitle A—Authorization of**
2 **Appropriations**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2013 for procurement for the Army, the Navy
6 and the Marine Corps, the Air Force, and Defense-wide
7 activities, as specified in the funding table in section 4101.

8 **Subtitle B—Army Programs**

9 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
10 **ARMY CH-47 HELICOPTERS.**

11 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
12 Subject to section 2306b of title 10, United States Code,
13 the Secretary of the Army may enter into one or more
14 multiyear contracts, beginning with the fiscal year 2013
15 program year, for the procurement of airframes for CH-
16 47F helicopters.

1 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
2 MENTS.—A contract entered into under subsection (a)
3 shall provide that any obligation of the United States to
4 make a payment under the contract for a fiscal year after
5 fiscal year 2013 is subject to the availability of appropria-
6 tions for that purpose for such later fiscal year.

7 **SEC. 112. REPORTS ON AIRLIFT REQUIREMENTS OF THE**

8 **ARMY.**

9 (a) REPORTS.—

10 (1) INITIAL REPORT.—Not later than March
11 31, 2013, the Secretary of the Army shall submit to
12 the congressional defense committees a report de-
13 scribed in paragraph (3).

14 (2) ANNUAL REPORTS.—Not later than October
15 31, 2013, and each year thereafter through 2017,
16 the Secretary shall submit to the congressional de-
17 fense committees a report described in paragraph
18 (3).

19 (3) REPORT DESCRIBED.—A report described
20 in this paragraph is a report on the time-sensitive or
21 mission-critical airlift requirements of the Army.

22 (b) MATTERS INCLUDED.—The reports submitted
23 under subsection (a) shall include, with respect to the fis-
24 cal year before the fiscal year in which the report is sub-
25 mitted, the following information:

1 (1) The total number of time-sensitive or mis-
2 sion-critical airlift movements required for training,
3 steady-state, and contingency operations.

4 (2) The total number of time-sensitive or mis-
5 sion-critical airlift sorties executed for training,
6 steady-state, and contingency operations.

7 (3) Of the total number of sorties listed under
8 paragraph (2), the number of such sorties that were
9 operated using each of—

10 (A) aircraft of the Army;

11 (B) aircraft of the Air Force;

12 (C) aircraft of contractors; and

13 (D) aircraft of other organizations not de-
14 scribed in subparagraph (A), (B), or (C).

15 (4) For each sortie described under subpara-
16 graph (A), (C), or (D) of paragraph (3), an expla-
17 nation for why the Secretary did not use aircraft of
18 the Air Force to support the mission.

19 **Subtitle C—Navy Programs**

20 **SEC. 121. EXTENSION OF FORD CLASS AIRCRAFT CARRIER** 21 **CONSTRUCTION AUTHORITY.**

22 Section 121(a) of the John Warner National Defense
23 Authorization Act for Fiscal Year 2007 (Public Law 109–
24 364; 120 Stat. 2104), as amended by section 124 of the
25 National Defense Authorization Act for Fiscal Year 2012

1 (Public Law 112–81; 125 Stat. 1320), is amended by
2 striking “four fiscal years” and inserting “five fiscal
3 years”.

4 **SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
5 **GINIA CLASS SUBMARINE PROGRAM.**

6 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
7 Subject to section 2306b of title 10, United States Code,
8 the Secretary of the Navy may enter into one or more
9 multiyear contracts, beginning with the fiscal year 2014
10 program year, for the procurement of Virginia class sub-
11 marines and Government-furnished equipment associated
12 with the Virginia class submarine program.

13 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
14 Secretary may enter into one or more contracts, beginning
15 in fiscal year 2013, for advance procurement associated
16 with the vessels and equipment for which authorization to
17 enter into a multiyear procurement contract is provided
18 under subsection (a).

19 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
20 MENTS.—A contract entered into under subsection (a)
21 shall provide that any obligation of the United States to
22 make a payment under the contract for a fiscal year after
23 fiscal year 2013 is subject to the availability of appropria-
24 tions or funds for that purpose for such later fiscal year.

1 (d) LIMITATION ON TERMINATION LIABILITY.—A
2 contract for the construction of vessels or equipment en-
3 tered into in accordance with subsection (a) shall include
4 a clause that limits the liability of the United States to
5 the contractor for any termination of the contract. The
6 maximum liability of the United States under the clause
7 shall be the amount appropriated for the vessels or equip-
8 ment covered by the contract. Additionally, in the event
9 of cancellation, the maximum liability of the United States
10 shall include the amount of the unfunded cancellation ceil-
11 ing in the contract.

12 (e) AUTHORITY TO EXPAND MULTIYEAR PROCURE-
13 MENT.—The Secretary may employ incremental funding
14 for the procurement of Virginia class submarines and Gov-
15 ernment-furnished equipment associated with the Virginia
16 class submarines to be procured during fiscal years 2013
17 through 2018 if the Secretary—

18 (1) determines that such an approach will per-
19 mit the Navy to procure an additional Virginia class
20 submarine in fiscal year 2014; and

21 (2) intends to use the funding for that purpose.

1 **SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR**
2 **ARLEIGH BURKE CLASS DESTROYERS AND**
3 **ASSOCIATED SYSTEMS.**

4 (a) **AUTHORITY FOR MULTIYEAR PROCUREMENT.**—
5 Subject to section 2306b of title 10, United States Code,
6 the Secretary of the Navy may enter into one or more
7 multiyear contracts, beginning with the fiscal year 2013
8 program year, for the procurement of up to 10 Arleigh
9 Burke class Flight IIA guided missile destroyers, as well
10 as the Aegis weapon systems, MK 41 vertical launching
11 systems, and commercial broadband satellite systems asso-
12 ciated with such vessels.

13 (b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
14 Secretary may enter into one or more contracts, beginning
15 in fiscal year 2013, for advance procurement associated
16 with the vessels and systems for which authorization to
17 enter into a multiyear procurement contract is provided
18 under subsection (a).

19 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
20 **MENTS.**—A contract entered into under subsection (a)
21 shall provide that any obligation of the United States to
22 make a payment under the contract for a fiscal year after
23 fiscal year 2013 is subject to the availability of appropria-
24 tions or funds for that purpose for such later fiscal year.

1 **SEC. 124. LIMITATION ON AVAILABILITY OF AMOUNTS FOR**
2 **SECOND FORD CLASS AIRCRAFT CARRIER.**

3 (a) LIMITATION.—Of the funds authorized to be ap-
4 propriated or otherwise made available for fiscal year 2013
5 for shipbuilding and conversion for the second Ford class
6 aircraft carrier, not more than 50 percent may be obli-
7 gated or expended until the Secretary of the Navy submits
8 to the congressional defense committees a report setting
9 forth a description of the program management and cost
10 control measures that will be employed in constructing the
11 second Ford class aircraft carrier.

12 (b) ELEMENTS.—The report described in subsection
13 (a) shall include a plan with respect to the Ford class air-
14 craft carriers to—

15 (1) maximize planned work in shops and early
16 stages of construction;

17 (2) sequence construction of structural units to
18 maximize the effects of lessons learned;

19 (3) incorporate design changes to improve
20 producibility for the Ford class aircraft carriers;

21 (4) increase the size of erection units to elimi-
22 nate disruptive unit breaks and improve unit align-
23 ment and fairness;

24 (5) increase outfitting levels for assembled units
25 before erection in the dry dock;

1 (6) increase overall ship completion levels at
2 each key construction event;

3 (7) improve facilities in a manner that will lead
4 to improved productivity; and

5 (8) ensure the shipbuilder initiates plans that
6 will improve productivity through capital improve-
7 ments that would provide targeted return on invest-
8 ment, including—

9 (A) increasing the amount of temporary
10 and permanent covered work areas;

11 (B) adding ramps and service towers for
12 improved access to work sites and the dry dock;
13 and

14 (C) increasing lift capacity to enable con-
15 struction of larger, more fully outfitted super-
16 lifts.

17 **SEC. 125. REFUELING AND COMPLEX OVERHAUL OF THE**
18 **U.S.S. ABRAHAM LINCOLN.**

19 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—
20 Of the funds authorized to be appropriated for fiscal year
21 2013 by section 101 and available for shipbuilding and
22 conversion as specified in the funding table in section
23 4101, \$1,517,292,000 is authorized to be available for the
24 commencement of the nuclear refueling and complex over-
25 haul of the U.S.S. Abraham Lincoln (CVN-72) during fis-

1 cal year 2013. The amount authorized to be made avail-
2 able in the preceding sentence is the first increment in
3 the two-year sequence of incremental funding planned for
4 the nuclear refueling and complex overhaul of that vessel.

5 (b) CONTRACT AUTHORITY.—The Secretary of the
6 Navy may enter into a contract during fiscal year 2013
7 for the nuclear refueling and complex overhaul of the
8 U.S.S. Abraham Lincoln.

9 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
10 MENTS.—A contract entered into under subsection (b)
11 shall provide that any obligation of the United States to
12 make a payment under the contract for a fiscal year after
13 fiscal year 2013 is subject to the availability of appropria-
14 tions for that purpose for that later fiscal year.

15 **SEC. 126. DESIGNATION OF MISSION MODULES OF THE LIT-**
16 **TORAL COMBAT SHIP AS A MAJOR DEFENSE**
17 **ACQUISITION PROGRAM.**

18 (a) DESIGNATION REQUIRED.—The Secretary of De-
19 fense shall—

20 (1) designate the effort to develop and produce
21 all variants of the mission modules in support of the
22 Littoral Combat Ship program as a major defense
23 acquisition program under section 2430 of title 10,
24 United States Code; and

1 (2) with respect to the development and produc-
2 tion of each such variant, submit to the congres-
3 sional defense committees a report setting forth such
4 cost, schedule, and performance information as
5 would be provided if such effort were a major de-
6 fense acquisition program, including Selected Acqui-
7 sition Reports, unit cost reports, and program base-
8 lines.

9 (b) **ADDITIONAL QUARTERLY REPORTS.**—The Sec-
10 retary shall submit to the congressional defense commit-
11 tees on a quarterly basis a report on the development and
12 production of each variant of the mission modules in sup-
13 port of the Littoral Combat Ship, including cost, schedule,
14 and performance, and identifying actual and potential
15 problems with such development or production and poten-
16 tial mitigation plans to address such problems.

17 **SEC. 127. REPORT ON LITTORAL COMBAT SHIP DESIGNS.**

18 Not later than December 31, 2013, the Secretary of
19 the Navy shall submit to the congressional defense com-
20 mittees a report on the designs of the Littoral Combat
21 Ship, including comparative cost and performance infor-
22 mation for both designs of such ship.

1 **SEC. 128. COMPTROLLER GENERAL REVIEW OF LITTORAL**
2 **COMBAT SHIP PROGRAM.**

3 (a) ACCEPTANCE OF LCS-1 AND LCS-2.—The
4 Comptroller General of the United States shall conduct
5 a review of the compliance of the Secretary of the Navy
6 with subpart 246.5 of title 48 of the Code of Federal Reg-
7 ulations and subpart 46.5 of the Federal Acquisition Reg-
8 ulation in accepting the LCS-1 and LCS-2 Littoral Com-
9 bat Ships.

10 (b) OPERATIONAL SUPPORT.—Not later than 180
11 days after the date of the enactment of this Act, the
12 Comptroller General shall submit to the congressional de-
13 fense committees a report on the operational support and
14 sustainment strategy for the Littoral Combat Ship pro-
15 gram, including manning, training, maintenance, and lo-
16 gistics support.

17 (c) COOPERATION.—For purposes of conducting the
18 review under subsection (a) and the report under sub-
19 section (b), the Secretary of Defense shall ensure that the
20 Comptroller General has access to—

- 21 (1) all relevant records of the Department; and
22 (2) all relevant communications between De-
23 partment officials, whether such communications oc-
24 curred inside or outside the Federal Government.

1 **SEC. 129. SENSE OF CONGRESS ON IMPORTANCE OF ENGI-**
2 **NEERING IN EARLY STAGES OF SHIP-**
3 **BUILDING.**

4 It is the sense of Congress that—

5 (1) placing a priority on engineering dollars in
6 the early stages of shipbuilding programs is a vital
7 component of keeping cost down; and

8 (2) therefore, the Secretary of the Navy should
9 take appropriate steps to prioritize early engineering
10 in large ship construction including amphibious class
11 ships beginning with the LHA-8.

12 **SEC. 130. SENSE OF CONGRESS ON NUCLEAR-POWERED**
13 **BALLISTIC SUBMARINES.**

14 It is the sense of Congress that—

15 (1) the continuous at-sea deterrence provided
16 by a robust and modern fleet of nuclear-powered bal-
17 listic missile submarines is critical to maintaining
18 nuclear deterrence and assurance and therefore is a
19 central pillar of the national security of the United
20 States;

21 (2) the Navy should—

22 (A) carry out a program to replace the
23 Ohio class ballistic missile submarines;

24 (B) ensure that the first such replacement
25 submarine is delivered and fully operational by

1 not later than 2031 in order to maintain con-
2 tinuous at-sea deterrence; and

3 (C) develop a risk mitigation plan to en-
4 sure that robust continuous at-sea deterrence is
5 provided during the transition from Ohio class
6 ballistic missile submarines to the replacement
7 submarines; and

8 (3) a minimum of 12 replacement ballistic mis-
9 sile submarines are necessary to provide continuous
10 at-sea deterrence over the lifetime of such sub-
11 marines and, therefore, the Navy should carry out a
12 program to produce 12 such submarines.

13 **SEC. 131. SENSE OF CONGRESS ON MARINE CORPS AMPHIB-**
14 **IOUS LIFT AND PRESENCE REQUIREMENTS.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) The Marine Corps is a combat force that
17 leverages maneuver from the sea as a force multi-
18 plier allowing for a variety of operational tasks rang-
19 ing from major combat operations to humanitarian
20 assistance.

21 (2) The Marine Corps is unique in that, while
22 embarked upon naval vessels, they bring all the lo-
23 gistic support necessary for the full range of military
24 operations and, operating “from the sea”, they re-

1 quire no third-party host nation permission to con-
2 duct military operations.

3 (3) The Navy has a requirement for 38 amphib-
4 ious assault ships to meet this full range of military
5 operations.

6 (4) Due only to fiscal constraints, that require-
7 ment of 38 vessels was reduced to 33 vessels, which
8 adds military risk to future operations.

9 (5) The Navy has been unable to meet even the
10 minimal requirement of 30 operationally available
11 vessels and has submitted a shipbuilding and ship
12 retirement plan to Congress that will reduce the
13 force to 28 vessels.

14 (6) Experience has shown that early engineer-
15 ing and design of naval vessels has significantly re-
16 duced the acquisition costs and life-cycle costs of
17 those vessels.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) the Department of Defense should carefully
21 evaluate the maritime force structure necessary to
22 execute demand for forces by the commanders of the
23 combatant commands;

1 (2) the Navy should carefully evaluate amphib-
2 ious lift capabilities to meet current and projected
3 requirements;

4 (3) the Navy should consider prioritization of
5 investment in and procurement of the next genera-
6 tion of amphibious assault ships as a component of
7 the balanced battle force;

8 (4) the next generation amphibious assault
9 ships should maintain survivability protection;

10 (5) operation and maintenance requirements
11 analysis, as well as the potential to leverage a com-
12 mon hull form design, should be considered to re-
13 duce total ownership cost and acquisition cost; and

14 (6) maintaining a robust amphibious ship build-
15 ing industrial base is vital for the future of the na-
16 tional security of the United States.

17 **SEC. 132. SENSE OF THE SENATE ON DEPARTMENT OF THE**
18 **NAVY FISCAL YEAR 2014 BUDGET REQUEST**
19 **FOR TACTICAL AVIATION AIRCRAFT.**

20 It is the sense of the Senate that, if the budget re-
21 quest of the Department of the Navy for fiscal year 2014
22 for F-18 aircraft includes a request for funds for more
23 than 13 new F-18 aircraft, the budget request of the De-
24 partment of the Navy for fiscal year 2014 for F-35 air-
25 craft should include a request for funds for not fewer than

1 six F-35B aircraft and four F-35C aircraft, presuming
2 that development, testing, and production of the F-35 air-
3 craft are proceeding according to current plans.

4 **Subtitle D—Air Force Programs**

5 **SEC. 141. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED**

6 **TO BE MAINTAINED IN STRATEGIC AIRLIFT**

7 **AIRCRAFT INVENTORY.**

8 (a) REDUCTION IN INVENTORY REQUIREMENT.—
9 Section 8062(g)(1) of title 10, United States Code, is
10 amended by adding at the end the following new sentence:
11 “Effective on the date that is 45 days after the date on
12 which the report under section 141(e)(3) of the National
13 Defense Authorization Act for Fiscal Year 2013 is sub-
14 mitted to the congressional defense committees, the Sec-
15 retary shall maintain a total aircraft inventory of strategic
16 airlift aircraft of not less than 275 aircraft.”.

17 (b) MODIFICATION OF CERTIFICATION REQUIRE-
18 MENT.—Section 137(d)(3)(B) of the National Defense
19 Authorization Act for Fiscal Year 2010 (Public Law 111-
20 84; 123 Stat. 2221) is amended by striking “316 strategic
21 airlift aircraft” and inserting “275 strategic airlift air-
22 craft”.

23 (c) MOBILITY REQUIREMENTS AND CAPABILITIES
24 STUDY 2018.—

1 (1) IN GENERAL.—The Director of Cost Assess-
2 ment and Program Evaluation and the Chairman of
3 the Joint Chiefs of Staff, in coordination with the
4 Commander of the United States Transportation
5 Command and the Secretaries of the military de-
6 partments, shall jointly conduct a study that as-
7 sesses the end-to-end, full-spectrum mobility require-
8 ments for all aspects of the National Military Strat-
9 egy derived from the National Defense Strategy that
10 is a result of the 2012 Defense Strategic Guidance
11 published by the President in February 2012 and
12 other planning documents of the Department of De-
13 fense.

14 (2) MATTERS INCLUDED.—The study under
15 paragraph (1) shall include the following:

16 (A) A definition of what combinations of
17 air mobility, sealift, surface movements,
18 prepositioning, forward stationing, seabasing,
19 engineering, and infrastructure requirements
20 and capabilities provide low, moderate, signifi-
21 cant and high levels of operational risk to meet
22 the National Military Strategy.

23 (B) A description and analysis of the as-
24 sumptions made by the Commander of the
25 United States Transportation Command with

1 respect to aircraft usage rates, aircraft mission
2 availability rates, aircraft mission capability
3 rates, aircrew ratios, aircrew production, and
4 aircrew readiness rates.

5 (C) An analysis of different combinations
6 of air mobility, sealift, surface movements,
7 prepositioning, forward stationing, seabasing,
8 engineering, and infrastructure requirements
9 and capabilities required to support theater and
10 tactical deployment and distribution, includ-
11 ing—

12 (i) the identification, quantification,
13 and description of the associated oper-
14 ational risk (as defined by the Military
15 Risk Matrix in the Chairman of the Joint
16 Chiefs of Staff Instruction 3401.01E) for
17 each excursion as it relates to the combat-
18 ant commander achieving strategic and
19 operational objectives; and

20 (ii) any assumptions made with re-
21 spect to the availability of commercial air-
22 lift and sealift capabilities and resources
23 when applicable.

24 (D) A consideration of metrics developed
25 during the most recent operational availability

1 assessment and joint forcible entry operations
2 assessment.

3 (E) An assessment of requirements and ca-
4 pabilities for major combat operations, lesser
5 contingency operations as specified in the Base-
6 line Security Posture of the Department of De-
7 fense, homeland defense, defense support to ci-
8 vilian authorities, other strategic missions re-
9 lated to national missions, global strike, the
10 strategic nuclear mission, and direct support
11 and time-sensitive airlift missions of the mili-
12 tary departments.

13 (F) An examination, including a discussion
14 of the sensitivity of any related conclusions and
15 assumptions, of the variations regarding alter-
16 native modes (land, air, and sea) and sources
17 (military, civilian, and foreign) of strategic and
18 theater lift, and variations in forward basing,
19 seabasing, prepositioning (afloat and ashore),
20 air-refueling capability, advanced logistics con-
21 cepts, and destination theater austerity, based
22 on the new global footprint and global presence
23 initiatives.

1 (G) An identification of mobility capability
2 gaps, shortfalls, overlaps, or excesses, includ-
3 ing—

4 (i) an assessment of associated risks
5 with respect to the ability to conduct oper-
6 ations; and

7 (ii) recommended mitigation strategies
8 where possible.

9 (H) An identification of mobility capability
10 alternatives that mitigate the potential impacts
11 on the logistic system, including—

12 (i) a consideration of traditional, non-
13 traditional, irregular, catastrophic, and dis-
14 ruptive challenges; and

15 (ii) a description of how derived mo-
16 bility requirements and capabilities support
17 the accepted balance of risk in addressing
18 all five categories of such challenges.

19 (I) The articulation of all key assumptions
20 made in conducting the study with respect to—

21 (i) risk;

22 (ii) programmed forces and infra-
23 structure;

24 (iii) readiness, manning, and spares;

1 (iv) scenario guidance from defense
2 planning scenarios and multi-service force
3 deployments;

4 (v) concurrency of major operations;

5 (vi) integrated global presence and
6 basing strategy;

7 (vii) host nation or third-country sup-
8 port;

9 (viii) use of weapons of mass destruc-
10 tion by an enemy; and

11 (ix) aircraft being used for training or
12 undergoing depot maintenance or mod-
13 ernization.

14 (J) A description of the logistics concept of
15 operations and assumptions, including any sup-
16 port concepts, methods, combat support forces,
17 and combat service support forces that are re-
18 quired to enable the projection and enduring
19 support to forces both deployed and in combat
20 for each analytic scenario.

21 (K) An assessment, and incorporation as
22 necessary, of the findings, conclusions, capa-
23 bility gaps, and shortfalls derived from the
24 study under section 112(d) of the National De-

1 fense Authorization Act for Fiscal Year 2012
2 (Public Law 112–81; 125 Stat. 1318).

3 (3) SUBMISSION.—The Director of Cost Assess-
4 ment and Program Evaluation and the Chairman of
5 the Joint Chiefs of Staff shall jointly submit to the
6 congressional defense committees a report containing
7 the study under paragraph (1).

8 (4) FORM.—The report required by paragraph
9 (3) shall be submitted in unclassified form, but may
10 include a classified annex.

11 (d) PRESERVATION OF CERTAIN RETIRED C–5 AIR-
12 CRAFT.—The Secretary of the Air Force shall preserve
13 each C–5 aircraft that is retired by the Secretary during
14 a period in which the total inventory of strategic airlift
15 aircraft of the Secretary is less than 301, such that the
16 retired aircraft—

17 (1) is stored in flyable condition;

18 (2) can be returned to service; and

19 (3) is not used to supply parts to other aircraft
20 unless specifically authorized by the Secretary of De-
21 fense upon a request by the Secretary of the Air
22 Force.

23 (e) DEFINITIONS.—In this section:

24 (1) The term “mobility” means the—

1 (A) deployment, sustainment, and rede-
2 ployment of the personnel and equipment need-
3 ed to execute the National Defense Strategy to
4 air and seaports of embarkation, intertheater
5 deployment to air and seaports of debarkation,
6 and intratheater deployment to tactical assem-
7 bly areas; and

8 (B) the employment of aerial refueling as-
9 sets and intratheater movement and infrastruc-
10 ture in support of deployment and sustainment
11 of combat forces.

12 (2) The term “National Military Strategy”
13 means the National Military Strategy prescribed by
14 the Chairman of the Joint Chiefs of Staff under sec-
15 tion 153 of title 10, United States Code.

16 **SEC. 142. RETIREMENT OF B-1 BOMBER AIRCRAFT.**

17 (a) IN GENERAL.—Section 8062 of title 10, United
18 States Code, is amended by adding at the end the fol-
19 lowing new subsection:

20 “(h)(1) Beginning October 1, 2011, the Secretary of
21 the Air Force may not retire more than six B-1 aircraft.

22 “(2) The Secretary shall maintain in a common capa-
23 bility configuration not less than 36 B-1 aircraft as com-
24 bat-coded aircraft.

1 “(3) In this subsection, the term ‘combat-coded air-
2 craft’ means aircraft assigned to meet the primary aircraft
3 authorization to a unit for the performance of its wartime
4 mission.”.

5 (b) CONFORMING AMENDMENT.—Section 132 of the
6 National Defense Authorization Act for Fiscal Year 2012
7 (Public Law 112–81; 125 Stat. 1320) is amended by strik-
8 ing subsection (c).

9 **SEC. 143. AVIONICS SYSTEMS FOR C-130 AIRCRAFT.**

10 (a) LIMITATIONS.—

11 (1) AVIONICS MODERNIZATION PROGRAM.—The
12 Secretary of the Air Force may not take any action
13 to cancel or modify the avionics modernization pro-
14 gram for C–130 aircraft until a period of 90 days
15 has elapsed after the date on which the Secretary
16 submits to the congressional defense committees the
17 cost-benefit analysis conducted under subsection
18 (b)(1).

19 (2) CNS/ATM PROGRAM.—

20 (A) IN GENERAL.—The Secretary may not
21 take any action described in subparagraph (B)
22 until a period of 90 days has elapsed after the
23 date on which the Secretary submits to the con-
24 gressional defense committees the cost-benefit
25 analysis conducted under subsection (b)(1).

1 (B) COVERED ACTIONS.—An action de-
2 scribed in this subparagraph is an action to
3 begin an alternative communication, navigation,
4 surveillance, and air traffic management pro-
5 gram for C-130 aircraft that is designed or in-
6 tended—

7 (i) to meet international communica-
8 tion, navigation, surveillance, and air traf-
9 fic management standards for the fleet of
10 C-130 aircraft; or

11 (ii) to replace the current avionics
12 modernization program for the C-130 air-
13 craft.

14 (b) COST-BENEFIT ANALYSIS.—

15 (1) FFRDC.—The Secretary shall seek to enter
16 into an agreement with the Institute for Defense
17 Analyses to conduct an independent cost-benefit
18 analysis that compares the following alternatives:

19 (A) Upgrading and modernizing the legacy
20 C-130 airlift fleet using the C-130 avionics
21 modernization program.

22 (B) Upgrading and modernizing the legacy
23 C-130 airlift fleet using a reduced scope pro-
24 gram for avionics and mission planning sys-
25 tems.

1 (2) MATTERS INCLUDED.—The cost-benefit
2 analysis conducted under paragraph (1) shall take
3 into account—

4 (A) the effect of life-cycle costs for—

5 (i) adopting each of the alternatives
6 described in subparagraphs (A) and (B) of
7 paragraph (1); and

8 (ii) supporting C-130 aircraft that
9 are not upgraded or modernized; and

10 (B) the costs associated with the potential
11 upgrades to avionics and mission systems that
12 may be required for legacy C-130 aircraft to
13 remain relevant and mission effective in the fu-
14 ture.

15 **SEC. 144. TREATMENT OF CERTAIN PROGRAMS FOR THE F-**
16 **22A RAPTOR AIRCRAFT AS MAJOR DEFENSE**
17 **ACQUISITION PROGRAMS.**

18 (a) IN GENERAL.—The Secretary of Defense shall
19 treat the programs referred to in subsection (b) for the
20 F-22A Raptor aircraft as a major defense acquisition pro-
21 gram for which Selected Acquisition Reports shall be sub-
22 mitted to Congress in accordance with the requirements
23 of section 2432 of title 10, United States Code.

24 (b) COVERED PROGRAMS.—The programs referred to
25 in this subsection for the F-22A Raptor aircraft are the

1 modernization Increment 3.2B and any future F-22A
2 Raptor aircraft modernization program that would other-
3 wise, if a standalone program, qualify for treatment as
4 a major defense acquisition program for purposes of chap-
5 ter 144 of title 10, United States Code.

6 (c) OTHER REPORTS.—Not later than March 1 of
7 each year, the Secretary of the Air Force shall submit to
8 the congressional defense committees a report on the
9 costs, schedules, and performances of the reliability and
10 maintainability maturation program and the structural re-
11 pair program of the F-22A Raptor modernization pro-
12 gram, including a comparison of such costs, schedules, and
13 performances to an appropriate baseline.

14 **Subtitle E—Joint and Multiservice** 15 **Matters**

16 **SEC. 151. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22** 17 **JOINT AIRCRAFT PROGRAM.**

18 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
19 Subject to section 2306b of title 10, United States Code,
20 the Secretary of the Navy may enter into one or more
21 multiyear contracts, beginning with the fiscal year 2013
22 program year, for the procurement of V-22 aircraft for
23 the Department of the Navy, the Department of the Air
24 Force, and the United States Special Operations Com-
25 mand.

1 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
2 MENTS.—A contract entered into under subsection (a)
3 shall provide that any obligation of the United States to
4 make a payment under the contract for a fiscal year after
5 fiscal year 2013 is subject to the availability of appropria-
6 tions for that purpose for such later fiscal year.

7 **SEC. 152. PROCUREMENT OF SPACE-BASED INFRARED SYS-**
8 **TEMS SATELLITES.**

9 (a) CONTRACT AUTHORITY.—

10 (1) IN GENERAL.—The Secretary of the Air
11 Force may procure two space-based infrared systems
12 satellites by entering into a fixed-price contract.
13 Such procurement may also include—

14 (A) material and equipment in economic
15 order quantities when cost savings are achiev-
16 able; and

17 (B) cost-reduction initiatives.

18 (2) USE OF INCREMENTAL FUNDING.—With re-
19 spect to a contract entered into under paragraph (1)
20 for the procurement of space-based infrared systems
21 satellites, the Secretary may use incremental funding
22 for a period not to exceed six fiscal years.

23 (3) LIABILITY.—A contract entered into under
24 paragraph (1) shall provide that any obligation of
25 the United States to make a payment under the con-

1 tract is subject to the availability of appropriations
2 for that purpose, and that the total liability to the
3 Government for termination of any contract entered
4 into shall be limited to the total amount of funding
5 obligated at the time of termination.

6 (b) LIMITATION OF COSTS.—

7 (1) LIMITATION.—Except as provided by sub-
8 section (c), and excluding amounts described in
9 paragraph (2), the total amount obligated or ex-
10 pended for the procurement of two space-based in-
11 frared systems satellites authorized by subsection (a)
12 may not exceed \$3,900,000,000.

13 (2) EXCLUSION.—The amounts described in
14 this paragraph are amounts associated with the fol-
15 lowing:

16 (A) Plans.

17 (B) Technical data packages.

18 (C) Post delivery and program support
19 costs.

20 (D) Technical support for obsolescence
21 studies.

22 (c) WAIVER AND ADJUSTMENT TO LIMITATION
23 AMOUNT.—

24 (1) WAIVER.—In accordance with paragraph

25 (2), the Secretary may waive the limitation in sub-

1 section (b)(1) if the Secretary submits to the con-
2 gressional defense committees and the Permanent
3 Select Committee on Intelligence of the House of
4 Representatives written notification of the adjust-
5 ment made to the amount set forth in such sub-
6 section.

7 (2) ADJUSTMENT.—Upon waiving the limita-
8 tion under paragraph (1), the Secretary may adjust
9 the amount set forth in subsection (b)(1) by the fol-
10 lowing:

11 (A) The amounts of increases or decreases
12 in costs attributable to economic inflation after
13 September 30, 2012.

14 (B) The amounts of increases or decreases
15 in costs attributable to compliance with changes
16 in Federal, State, or local laws enacted after
17 September 30, 2012.

18 (C) The amounts of increases or decreases
19 in costs of the satellites that are attributable to
20 insertion of new technology into a space-based
21 infrared system, as compared to the technology
22 built into such a system procured prior to fiscal
23 year 2013, if the Secretary determines, and cer-
24 tifies to the congressional defense committees,
25 that insertion of the new technology is—

1 (i) expected to decrease the life-cycle
2 cost of the system; or

3 (ii) required to meet an emerging
4 threat that poses grave harm to national
5 security.

6 (d) REPORT.—Not later than 30 days after the date
7 on which the Secretary awards a contract under sub-
8 section (a), the Secretary shall submit to the congressional
9 defense committees and the Permanent Select Committee
10 on Intelligence of the House of Representatives a report
11 on such contract, including the following:

12 (1) The total cost savings resulting from the
13 authority provided by subsection (a).

14 (2) The type and duration of the contract
15 awarded.

16 (3) The total contract value.

17 (4) The funding profile by year.

18 (5) The terms of the contract regarding the
19 treatment of changes by the Federal Government to
20 the requirements of the contract, including how any
21 such changes may affect the success of the contract.

22 (6) A plan for using cost savings described in
23 paragraph (1) to improve the capability of overhead
24 persistent infrared, including a description of—

1 (A) the available funds, by year, resulting
2 from such cost savings;

3 (B) the specific activities or subprograms
4 to be funded by such cost savings and the
5 funds, by year, allocated to each such activity
6 or subprogram;

7 (C) the objectives for each such activity or
8 subprogram and the criteria used by the Sec-
9 retary to determine which such activity or sub-
10 program to fund;

11 (D) the method in which such activities or
12 subprograms will be awarded, including whether
13 it will be on a competitive basis; and

14 (E) the process for determining how and
15 when such activities and subprograms would
16 transition to an existing program or be estab-
17 lished as a new program of record.

18 (e) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE
19 NUMBERS 5 AND 6.—The Secretary may obligate and ex-
20 pend amounts authorized to be appropriated for fiscal year
21 2013 by section 101 for procurement, Air Force, as speci-
22 fied in the funding table in section 4101 and available for
23 the advanced procurement of long-lead parts and the re-
24 placement of obsolete parts for space-based infrared sys-
25 tem satellite space vehicle numbers 5 and 6.

1 (f) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Secretary should not enter into a fixed-price
3 contract under subsection (a) for the procurement of two
4 space-based infrared system satellites unless the Secretary
5 determines that entering into such a contract will save the
6 Air Force substantial savings, as required under section
7 2306b of title 10, United States Code, over the cost of
8 procuring two such satellites separately.

9 **SEC. 153. LIMITATION ON AVAILABILITY OF FUNDS FOR**
10 **EVOLVED EXPENDABLE LAUNCH VEHICLE**
11 **PROGRAM.**

12 (a) LIMITATION.—Of the funds authorized to be ap-
13 propriated by this Act or otherwise made available for fis-
14 cal year 2013 for the Air Force for the evolved expendable
15 launch vehicle program, 10 percent may not be obligated
16 or expended until the date on which the Secretary of the
17 Air Force submits to the appropriate congressional com-
18 mittees—

19 (1) a report describing the acquisition strategy
20 for such program; and

21 (2) written certification that such strategy—

22 (A) maintains assured access to space;

23 (B) achieves substantial cost savings; and

24 (C) provides opportunities for competition.

1 (b) MATTERS INCLUDED.—The report under sub-
2 section (a)(1) shall include the following information:

3 (1) The anticipated savings to be realized under
4 the acquisition strategy for the evolved expendable
5 launch vehicle program.

6 (2) The number of launch vehicle booster cores
7 covered by the planned contract for such program.

8 (3) The number of years covered by such con-
9 tract.

10 (4) An assessment of when new entrants that
11 have submitted a statement of intent will be certified
12 to compete for evolved expendable launch vehicle-
13 class launches.

14 (5) The projected launch manifest, including
15 possible opportunities for certified new entrants to
16 compete for evolved expendable launch vehicle-class
17 launches.

18 (6) Any other relevant analysis used to inform
19 the acquisition strategy for such program.

20 (c) COMPTROLLER GENERAL.—

21 (1) REVIEW.—The Comptroller General of the
22 United States shall review the report under sub-
23 section (a)(1).

24 (2) SUBMITTAL.—Not later than 30 days after
25 the date on which the report under subsection (a)(1)

1 is submitted to the appropriate congressional com-
2 mittees, the Comptroller General shall—

3 (A) submit to such committees a report on
4 the review under paragraph (1); or

5 (B) provide to such committees a briefing
6 on such review.

7 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term “appropriate con-
9 gressional committees” means the following:

10 (1) The congressional defense committees.

11 (2) The Permanent Select Committee on Intel-
12 ligence of the House of Representatives and the Se-
13 lect Committee on Intelligence of the Senate.

14 **SEC. 154. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
15 **TIREMENT OF RQ-4 GLOBAL HAWK UN-**
16 **MANNED AIRCRAFT SYSTEMS.**

17 (a) LIMITATION.—None of the funds authorized to
18 be appropriated by this Act or otherwise made available
19 for fiscal year 2013 for the Department of Defense may
20 be obligated or expended to retire, prepare to retire, or
21 place in storage an RQ-4 Block 30 Global Hawk un-
22 manned aircraft system.

23 (b) MAINTAINED LEVELS.—During the period pre-
24 ceding December 31, 2014, in supporting the operational
25 requirements of the combatant commands, the Secretary

1 of the Air Force shall maintain the operational capability
2 of each RQ-4 Block 30 Global Hawk unmanned aircraft
3 system belonging to the Air Force or delivered to the Air
4 Force during such period.

5 **SEC. 155. REQUIREMENT TO SET F-35 AIRCRAFT INITIAL**
6 **OPERATIONAL CAPABILITY DATES.**

7 (a) F-35A.—Not later than June 1, 2013, the Sec-
8 retary of the Air Force shall—

9 (1) establish the initial operational capability
10 date for the F-35A aircraft; and

11 (2) submit to the congressional defense commit-
12 tees a report on the details of such initial oper-
13 ational capability.

14 (b) F-35B AND F-35C.—Not later than June 1,
15 2013, the Secretary of the Navy shall—

16 (1) establish the initial operational capability
17 dates for the F-35B and F-35C aircraft; and

18 (2) submit to the congressional defense commit-
19 tees a report on the details of such initial oper-
20 ational capabilities for both variants.

21 **SEC. 156. SHALLOW WATER COMBAT SUBMERSIBLE PRO-**
22 **GRAM.**

23 (a) INITIAL REPORT.—Not later than 90 days after
24 the date of the enactment of this Act, the Assistant Sec-
25 retary of Defense for Special Operations and Low-Inten-

1 sity Conflict, in coordination with the Commander of the
2 United States Special Operations Command, shall submit
3 to the congressional defense committees a report setting
4 forth the following:

5 (1) A description of all efforts under the Shal-
6 low Water Combat Submersible program and the
7 United States Special Operations Command to im-
8 prove the accuracy of the tracking of the schedule
9 and costs of the program.

10 (2) The revised timeline for the initial and full
11 operational capability of the Shallow Water Combat
12 Submersible, including details outlining and justi-
13 fying the revised baseline to the program.

14 (3) Current cost estimates to meet the basis of
15 issue requirement under the program.

16 (4) An assessment of existing program risk
17 through the completion of operational testing.

18 (b) SUBSEQUENT REPORTS.—

19 (1) QUARTERLY REPORTS REQUIRED.—The As-
20 sistant Secretary, in coordination with the Com-
21 mander of the United States Special Operations
22 Command, shall submit to the congressional defense
23 committees on a quarterly basis updates on the
24 schedule and cost performance of the contractor of
25 the Shallow Water Combat Submersible program, in-

1 including metrics from the earned value management
2 system.

3 (2) SUNSET.—The requirement in paragraph
4 (1) shall cease on the date the Shallow Water Com-
5 bat Submersible has completed operational testing
6 and has been found to be operationally effective and
7 operationally suitable.

8 **SEC. 157. REQUIREMENT THAT TACTICAL MANNED INTEL-**
9 **LIGENCE, SURVEILLANCE, AND RECONNAIS-**
10 **SANCE AIRCRAFT AND UNMANNED AERIAL**
11 **VEHICLES USE SPECIFIED STANDARD DATA**
12 **LINK.**

13 (a) REQUIREMENT.—The Secretary of Defense shall
14 take such steps as necessary to ensure that (except as
15 specified in subsection (c)) all covered aircraft of the
16 Army, Navy, Marine Corps, and Air Force are equipped
17 and configured so that—

18 (1) the data link used by those vehicles is the
19 Department of Defense standard tactical manned in-
20 telligence, surveillance, and reconnaissance aircraft
21 and unmanned aerial vehicle data link known as the
22 Common Data Link or a data link that uses wave-
23 form capable of transmitting and receiving Internet
24 Protocol communications; and

1 (2) with respect to unmanned aerial vehicles,
2 such vehicles use data formats consistent with the
3 architectural standard known as STANAG 4586
4 that was developed to facilitate multinational inter-
5 operability among NATO member nations.

6 (b) SOLICITATIONS.—The Secretary of Defense shall
7 ensure that any solicitation issued for a Common Data
8 Link described in subsection (a), regardless of whether the
9 solicitation is issued by a military department or a con-
10 tractor with respect to a subcontract—

11 (1) conforms to a Department of Defense speci-
12 fication standard, including interfaces and wave-
13 forms, existing as of the date of the solicitation; and

14 (2) does not include any proprietary or undocu-
15 mented waveforms or control interfaces or data
16 interfaces as a requirement or criterion for evalua-
17 tion.

18 (c) WAIVER.—The Under Secretary of Defense for
19 Acquisition, Technology, and Logistics may waive the ap-
20 plicability of this section to any covered aircraft if the
21 Under Secretary determines, and certifies to the congres-
22 sional defense committees, that—

23 (1) it would be technologically infeasible or eco-
24 nomically unacceptable to apply this section to such
25 aircraft; or

1 (2) such aircraft is under a special access pro-
2 gram that is not considered a major defense acquisi-
3 tion program.

4 (d) COVERED AIRCRAFT DEFINED.—In this section,
5 the term “covered aircraft” means—

6 (1) tactical manned intelligence, surveillance,
7 and reconnaissance aircraft; and

8 (2) unmanned aerial vehicles.

9 (e) CONFORMING REPEAL.—Section 141 of the Na-
10 tional Defense Authorization Act for Fiscal Year 2006
11 (Public Law 109–163; 119 Stat. 3163) is repealed.

12 **SEC. 158. STUDY ON SMALL ARMS AND SMALL-CALIBER AM-**
13 **MUNITION CAPABILITIES.**

14 (a) STUDY.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of the enactment of this Act, the Secretary
17 of Defense shall enter into a contract with a feder-
18 ally funded research and development center to con-
19 duct a study on the requirements analysis and deter-
20 mination processes and capabilities of the Depart-
21 ment of Defense with respect to small arms and
22 small-caliber ammunition that carries out each of
23 the following:

24 (A) A comparative evaluation of the cur-
25 rent military small arms in use by the Armed

1 Forces, including general purpose and special
2 operations forces, and select military equivalent
3 commercial candidates not necessarily in use
4 militarily but currently available.

5 (B) A comparative evaluation of the stand-
6 ard small-caliber ammunition of the Depart-
7 ment with other small-caliber ammunition alter-
8 natives.

9 (C) An assessment of the current plans of
10 the Department to modernize the small arms
11 and small-caliber ammunition capabilities of the
12 Department.

13 (D) An assessment of the requirements
14 analysis and determination processes of the De-
15 partment for small arms and small-caliber am-
16 munition.

17 (2) FACTORS TO CONSIDER.—The study re-
18 quired under paragraph (1) shall take into consider-
19 ation the following factors:

20 (A) Current and future operating environ-
21 ments, as specified or referred to in strategic
22 guidance and planning documents of the De-
23 partment.

1 (B) Capability gaps identified in small
2 arms and small-caliber ammunition capabilities
3 based assessments of the Department.

4 (C) Actions taken by the Secretary to ad-
5 dress capability gaps identified in any such ca-
6 pabilities based assessments.

7 (D) Findings from studies of the Depart-
8 ment of Defense Small Arms and Small-Caliber
9 Ammunition defense support team and actions
10 taken by the Secretary in response to such find-
11 ings.

12 (E) Findings from the assessment required
13 by section 143 of the Duncan Hunter National
14 Defense Authorization Act for Fiscal Year 2009
15 (Public Law 110-417; 10 U.S.C. 2304 note)
16 and actions taken by the Secretary in response
17 to such findings.

18 (F) Modifications and improvements re-
19 cently applied to small arms and small-caliber
20 ammunition of the Armed Forces, including
21 general purpose and special operations forces,
22 as well as the potential for continued modifica-
23 tion and improvement.

24 (G) Impacts to the small arms production
25 industrial base and small-caliber ammunition

1 industrial base, if any, associated with changes
2 from current U.S. or NATO standard caliber
3 weapons or ammunition sizes.

4 (H) Total life cycle costs of each small
5 arms system and small-caliber ammunition, in-
6 cluding incremental increases in cost for indus-
7 trial facilitization or small arms and ammuni-
8 tion procurement, if any, associated with
9 changes described in subparagraph (G).

10 (I) Any other factor the federally funded
11 research and development center considers ap-
12 propriate.

13 (3) ACCESS TO INFORMATION.—The Secretary
14 shall ensure that the federally funded research and
15 development center conducting the study under
16 paragraph (1) has access to all necessary data,
17 records, analyses, personnel, and other resources
18 necessary to complete the study.

19 (b) REPORT.—

20 (1) IN GENERAL.—Not later than September
21 30, 2013, the Secretary shall submit to the congres-
22 sional defense committees a report containing the re-
23 sults of the study conducted under subsection (a)(1),
24 together with the comments of the Secretary on the
25 findings contained in the study.

1 (2) CLASSIFIED ANNEX.—The report shall be in
2 unclassified form, but may contain a classified
3 annex.

4 (c) SMALL ARMS DEFINED.—In this section, the
5 term “small arms” means weapons assigned to and oper-
6 ated by an individual member of the Armed Forces, in-
7 cluding handguns, rifles and carbines (including sniper
8 and designated marksman weapons), sub-machine guns,
9 and light-machine guns.

10 **TITLE II—RESEARCH, DEVELOP-**
11 **MENT, TEST, AND EVALUA-**
12 **TION**

 Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

 Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Next-generation long-range strike bomber aircraft nuclear certifi-
 cation requirement.

Sec. 212. Extension of limitation on availability of funds for Unmanned Car-
 rier-launched Surveillance and Strike system program.

Sec. 213. Limitation on availability of funds for milestone A activities for an
 Army medium range multi-purpose vertical takeoff and landing
 unmanned aircraft system.

Sec. 214. Use of funds for conventional prompt global strike program.

Sec. 215. Next Generation Foundry for the Defense Microelectronics Activity.

Sec. 216. Advanced rotorcraft initiative.

 Subtitle C—Missile Defense Programs

Sec. 221. Prohibition on the use of funds for the MEADS program.

Sec. 222. Availability of funds for Iron Dome short-range rocket defense pro-
 gram.

Sec. 223. Authority for relocation of certain Aegis weapon system assets be-
 tween and within the DDG-51 class destroyer and Aegis
 Ashore programs in order to meet mission requirements.

Sec. 224. Evaluation of alternatives for the precision tracking space system.

Sec. 225. Next generation Exo-atmospheric Kill Vehicle.

Sec. 226. Modernization of the Patriot air and missile defense system.

Sec. 227. Evaluation and environmental impact assessment of potential future
 missile defense sites in the United States.

- Sec. 228. Homeland ballistic missile defense.
- Sec. 229. Regional ballistic missile defense.
- Sec. 230. NATO contributions to missile defense in Europe.
- Sec. 231. Report on test plan for the ground-based midcourse defense system.
- Sec. 232. Sense of Congress on missile defense.
- Sec. 233. Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense.

Subtitle D—Reports

- Sec. 241. Mission packages for the Littoral Combat Ship.
- Sec. 242. Study on electronic warfare capabilities of the Marine Corps.
- Sec. 243. Conditional requirement for report on amphibious assault vehicles for the Marine Corps.
- Sec. 244. Report on cyber and information technology research investments of the Air Force.
- Sec. 245. National Research Council review of defense science and technical graduate education needs.

Subtitle E—Other Matters

- Sec. 251. Eligibility for Department of Defense laboratories to enter into educational partnerships with educational institutions in territories and possessions of the United States.
- Sec. 252. Regional advanced technology clusters.
- Sec. 253. Sense of Congress on increasing the cost-effectiveness of training exercises for members of the Armed Forces.

1 **Subtitle A—Authorization of**
2 **Appropriations**

3 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2013 for the use of the Department of Defense
6 for research, development, test, and evaluation as specified
7 in the funding table in section 4201.

1 **Subtitle B—Program Requirements, Restrictions, and Limitations**
2 **ments, Restrictions, and Limitations**
3 **tions**

4 **SEC. 211. NEXT-GENERATION LONG-RANGE STRIKE BOM-**
5 **ER AIRCRAFT NUCLEAR CERTIFICATION RE-**
6 **QUIREMENT.**

7 The Secretary of the Air Force shall ensure that the
8 next-generation long-range strike bomber is—

9 (1) capable of carrying strategic nuclear weap-
10 ons as of the date on which such aircraft achieves
11 initial operating capability; and

12 (2) certified to use such weapons by not later
13 than two years after such date.

14 **SEC. 212. EXTENSION OF LIMITATION ON AVAILABILITY OF**
15 **FUNDS FOR UNMANNED CARRIER-LAUNCHED**
16 **SURVEILLANCE AND STRIKE SYSTEM PRO-**
17 **GRAM.**

18 (a) **EXTENSION OF LIMITATION.**—Subsection (a) of
19 section 213 of the National Defense Authorization Act for
20 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1330)
21 is amended by inserting “or fiscal year 2013” after “fiscal
22 year 2012”.

23 (b) **TECHNOLOGY DEVELOPMENT PHASE.**—Such sec-
24 tion is further amended by adding at the end the following
25 new subsection:

1 “(d) TECHNOLOGY DEVELOPMENT AND PRELIMI-
2 NARY DESIGN PHASES.—

3 “(1) CONTRACTORS.—In accordance with para-
4 graph (2), the Secretary of the Navy may not reduce
5 the number of prime contractors working on the Un-
6 manned Carrier-launched Surveillance and Strike
7 system program to one prime contractor for the
8 technology development phase of such program prior
9 to the program achieving the preliminary design re-
10 view milestone.

11 “(2) PRELIMINARY DESIGN REVIEW.—After the
12 date on which the Unmanned Carrier-launched Sur-
13 veillance and Strike system program achieves the
14 preliminary design review milestone, the Secretary
15 may not reduce the number of prime contractors
16 working on the program to one prime contractor
17 until—

18 “(A) the preliminary design reviews of the
19 program are completed;

20 “(B) the Under Secretary of Defense for
21 Acquisition, Technology, and Logistics assesses
22 the completeness of the preliminary design re-
23 views of the program for each participating
24 prime contractor;

1 “(C) the Under Secretary submits to the
2 congressional defense committees a report that
3 includes—

4 “(i) a summary of the assessment of
5 the preliminary design reviews of the pro-
6 gram conducted under subparagraph (B);
7 and

8 “(ii) a certification that each prelimi-
9 nary design review of the program was
10 complete and was not abbreviated when
11 compared to preliminary design reviews
12 conducted for other major defense acquisi-
13 tion programs consistent with the policies
14 specified in Department of Defense In-
15 struction 5000.02; and

16 “(D) a period of 30 days has elapsed fol-
17 lowing the date on which the Under Secretary
18 submits the report under subparagraph (C).”.

19 (c) TECHNICAL AMENDMENT.—Such section is fur-
20 ther amended by striking “Future Unmanned Carrier-
21 based Strike System” each place it appears and inserting
22 “Unmanned Carrier-launched Surveillance and Strike sys-
23 tem”.

1 **SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR**
2 **MILESTONE A ACTIVITIES FOR AN ARMY ME-**
3 **DIUM RANGE MULTI-PURPOSE VERTICAL**
4 **TAKEOFF AND LANDING UNMANNED AIR-**
5 **CRAFT SYSTEM.**

6 (a) LIMITATION.—None of the funds authorized to
7 be appropriated by this Act or otherwise made available
8 for fiscal year 2013 for research, development, test, and
9 evaluation, Army, may be obligated or expended for Mile-
10 stone A activities with respect to a medium-range multi-
11 purpose vertical take-off and landing unmanned aircraft
12 system until—

13 (1) the Chairman of the Joint Requirements
14 Oversight Council certifies in writing to the appro-
15 priate congressional committees that the Joint Re-
16 quirements Oversight Council determines that—

17 (A) such system is required to meet a re-
18 quired capability or requirement validated by
19 the Council; and

20 (B) as of the date of the certification, an
21 unmanned aircraft system in the operational in-
22 ventory of a military department that was se-
23 lected using competitive procedures cannot meet
24 such capability or be modified to meet such ca-
25 pability in a more cost effective way; and

1 (C) the acquisition strategy for such a ca-
2 pability includes competitive procedures as a re-
3 quirement; and

4 (2) a period of 30 days has elapsed following
5 the date on which the Chairman submits the certifi-
6 cation under paragraph (1).

7 (b) DEFINITIONS.—In this section:

8 (1) The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Armed Services, the
11 Committee on Appropriations, and the Perma-
12 nent Select Committee on Intelligence of the
13 House of Representatives; and

14 (B) the Committee on Armed Services, the
15 Committee on Appropriations, and the Select
16 Committee on Intelligence of the Senate.

17 (2) The term “competitive procedures” has the
18 meaning given that term in section 2302(2) of title
19 10, United States Code.

20 (3) The term “Milestone A activities” means,
21 with respect to an acquisition program of the De-
22 partment of Defense—

23 (A) the distribution of request for pro-
24 posals;

1 (B) the selection of technology demonstra-
2 tion contractors; and

3 (C) technology development.

4 **SEC. 214. USE OF FUNDS FOR CONVENTIONAL PROMPT**
5 **GLOBAL STRIKE PROGRAM.**

6 (a) **COMPETITIVE PROCEDURES.**—Except as pro-
7 vided by subsection (b), the Secretary of Defense shall en-
8 sure that any funds authorized to be appropriated by this
9 Act or otherwise made available for fiscal year 2013 for
10 activities of the conventional prompt global strike program
11 are obligated or expended using competitive solicitation
12 procedures to involve industry as well as government part-
13 ners to the extent feasible.

14 (b) **WAIVER.**—The Secretary may waive the require-
15 ment to use competitive solicitation procedures under sub-
16 section (a) if—

17 (1) the Secretary—

18 (A) determines that using such procedures
19 is not feasible; and

20 (B) notifies the congressional defense com-
21 mittees of such determination; and

22 (2) a period of 5 days elapses after the date on
23 which the Secretary makes such notification under
24 paragraph (1)(B).

1 **SEC. 215. NEXT GENERATION FOUNDRY FOR THE DEFENSE**
2 **MICROELECTRONICS ACTIVITY.**

3 None of the funds authorized to be appropriated by
4 this Act or otherwise made available for fiscal year 2013
5 for research, development, test, and evaluation for the
6 Next Generation Foundry for the Defense Microelec-
7 tronics Activity (PE #603720S) may be obligated or ex-
8 pended for that purpose until a period of 60 days has
9 elapsed following the date on which the Assistant Sec-
10 retary of Defense for Research and Engineering—

11 (1) develops a microelectronics strategy as de-
12 scribed in the Senate report to accompany S. 1253
13 of the 112th Congress (S. Rept. 112–26) and an es-
14 timate of the full life-cycle costs for the upgrade of
15 the Next Generation Foundry;

16 (2) develops an assessment regarding the man-
17 ufacturing capability of the United States to produce
18 three-dimensional integrated circuits to serve na-
19 tional defense interests; and

20 (3) submits to the congressional defense com-
21 mittees the strategy and cost estimate required by
22 paragraph (1) and the assessment required by para-
23 graph (2).

24 **SEC. 216. ADVANCED ROTORCRAFT INITIATIVE.**

25 (a) **IN GENERAL.**—Not later than 180 days after the
26 date of the enactment of this Act, the Under Secretary

1 of Defense for Acquisition, Technology, and Logistics
2 shall, in consultation with the military departments and
3 the Defense Advanced Research Projects Agency, submit
4 to the congressional defense committees a report setting
5 forth a strategy for the use of integrated platform design
6 teams and agile prototyping approaches for the develop-
7 ment of advanced rotorcraft capabilities.

8 (b) ELEMENTS.—The strategy required by subsection
9 (a) shall include the following:

10 (1) Mechanisms for establishing agile proto-
11 typing practices and programs, including rotorcraft
12 X-planes, and an identification of the resources re-
13 quired for such purposes.

14 (2) The X-Plane Rotorcraft program of the De-
15 fense Advanced Research Projects Agency with per-
16 formance objectives beyond those of the Joint Multi-
17 role development program, including at least two
18 competing teams.

19 (3) Approaches, including potential competitive
20 prize awards, to encourage the development of ad-
21 vanced rotorcraft capabilities to address challenge
22 problems such as nap-of-earth automated flight,
23 urban operation near buildings, slope landings, auto-
24 mated autorotation or power-off recovery, and auto-
25 mated selection of landing areas.

1 **Subtitle C—Missile Defense**
2 **Programs**

3 **SEC. 221. PROHIBITION ON THE USE OF FUNDS FOR THE**
4 **MEADS PROGRAM.**

5 None of the funds authorized to be appropriated by
6 this Act or otherwise made available for fiscal year 2013
7 for the Department of Defense may be obligated or ex-
8 pended for the medium extended air defense system.

9 **SEC. 222. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-**
10 **RANGE ROCKET DEFENSE PROGRAM.**

11 Of the funds authorized to be appropriated for fiscal
12 year 2013 by section 201 for research, development, test,
13 and evaluation, Defense-wide, and available for the Missile
14 Defense Agency, \$211,000,000 may be provided to the
15 Government of Israel for the Iron Dome short-range rock-
16 et defense program as specified in the funding table in
17 section 4201.

18 **SEC. 223. AUTHORITY FOR RELOCATION OF CERTAIN AEGIS**
19 **WEAPON SYSTEM ASSETS BETWEEN AND**
20 **WITHIN THE DDG-51 CLASS DESTROYER AND**
21 **AEGIS ASHORE PROGRAMS IN ORDER TO**
22 **MEET MISSION REQUIREMENTS.**

23 (a) TRANSFER TO AEGIS ASHORE SYSTEM.—Not-
24 withstanding any other provision of law, the Secretary of
25 the Navy may transfer Aegis weapon system equipment

1 with ballistic missile defense capability to the Director of
2 the Missile Defense Agency for use by the Director in the
3 Aegis Ashore System for installation in the country des-
4 ignated as “Host Nation 1” by transferring to the Agency
5 such equipment procured with amounts authorized to be
6 appropriated for shipbuilding and conversion, Navy, for
7 fiscal years 2010 and 2011 for the DDG–51 Class De-
8 stroyer Program.

9 (b) ADJUSTMENTS IN EQUIPMENT DELIVERIES.—

10 (1) USE OF FY12 FUNDS FOR AWS SYSTEMS ON

11 DESTROYERS PROCURED WITH FY11 FUNDS.—

12 Amounts authorized to be appropriated for ship-
13 building and conversion, Navy, for fiscal year 2012,
14 and any Aegis weapon system assets procured with
15 such amounts, may be used to deliver complete, mis-
16 sion-ready Aegis weapon systems with ballistic mis-
17 sile defense capability to any DDG–51 class de-
18 stroyer for which amounts were authorized to be ap-
19 propriated for shipbuilding and conversion, Navy,
20 for fiscal year 2011.

21 (2) USE OF AWS SYSTEMS PROCURED WITH

22 RDT&E FUNDS ON DESTROYERS.—The Secretary

23 may install on any DDG–51 class destroyer Aegis

24 weapon systems with ballistic missile defense capa-

25 bility transferred pursuant to subsection (c).

1 (c) **TRANSFER FROM AEGIS ASHORE SYSTEM.**—The
2 Director shall transfer Aegis weapon system equipment
3 with ballistic missile defense capability procured for instal-
4 lation in the Aegis Ashore System to the Secretary for
5 the DDG–51 Class Destroyer Program to replace any
6 equipment transferred to the Director under subsection
7 (a).

8 (d) **TREATMENT OF TRANSFER IN FUNDING DE-**
9 **STROYER CONSTRUCTION.**—Notwithstanding the source
10 of funds for any equipment transferred under subsection
11 (c), the Secretary shall fund all work necessary to com-
12 plete construction and outfitting of any destroyer in which
13 such equipment is installed in the same manner as if such
14 equipment had been acquired using amounts in the ship-
15 building and conversion, Navy, account.

16 **SEC. 224. EVALUATION OF ALTERNATIVES FOR THE PRECI-**
17 **SION TRACKING SPACE SYSTEM.**

18 (a) **LIMITATION.**—Of the funds authorized to be ap-
19 propriated by this Act or otherwise made available for fis-
20 cal year 2013 for the Missile Defense Agency for the preci-
21 sion tracking space system, not more than 75 percent may
22 be obligated or expended until the date on which—

23 (1) the Director of Cost Assessment and Pro-
24 gram Evaluation completes the evaluation under
25 subsection (b)(1); and

1 (2) the terms of reference for the evaluation
2 under subsection (b)(1)(B) are—

3 (A) approved by the Missile Defense Exec-
4 utive Board, in coordination with the Defense
5 Space Council; and

6 (B) submitted to the congressional defense
7 committees.

8 (b) INDEPENDENT COST ESTIMATE AND EVALUA-
9 TION OF ALTERNATIVES REQUIRED.—

10 (1) IN GENERAL.—The Director of Cost Assess-
11 ment and Program Evaluation shall perform—

12 (A) an independent cost estimate for the
13 precision tracking space system; and

14 (B) a comprehensive assessment evaluation
15 of alternatives for such system.

16 (2) BASIS OF EVALUATION.—The evaluation
17 under paragraph (1)(B) shall be based on a clear ar-
18 ticulation by the Director of the Missile Defense
19 Agency of—

20 (A) the space-based and ground-based sen-
21 sors that will be required to be maintained to
22 aid the precision tracking space system con-
23 stellation;

24 (B) the number of satellites to be procured
25 for a first constellation, including the projected

1 lifetime of such satellites in the first constella-
2 tion, and the number projected to be procured
3 for a first and, if applicable, second replenish-
4 ment;

5 (C) the technological and acquisition risks
6 of such system, including systems engineering
7 and ground system development;

8 (D) an evaluation of the technological ca-
9 pability differences between the precision track-
10 ing space system tracking sensor and the space
11 tracking and surveillance system tracking sen-
12 sor;

13 (E) the cost differences, as confirmed by
14 the Director of Cost Assessment and Program
15 Evaluation, between such systems, including
16 costs relating to launch services; and

17 (F) any other matters the Director believes
18 useful that do not unduly delay completion of
19 the evaluation.

20 (3) EVALUATION.—In conducting the evalua-
21 tion under paragraph (1)(B), the Director of Cost
22 Assessment and Program Evaluation shall—

23 (A) evaluate whether the precision tracking
24 space system, as planned by the Director of the
25 Missile Defense Agency in the budget submitted

1 to Congress under section 1105 of title 31,
2 United States Code, for fiscal year 2013, is the
3 most cost effective and best value sensor option
4 with respect to land-, air-, or space-based sen-
5 sors, or a combination thereof, to improve the
6 regional missile defense and homeland missile
7 defense of the United States, including by add-
8 ing precision tracking and discrimination capa-
9 bility to the ground-based midcourse defense
10 system;

11 (B) examine the overhead persistent infra-
12 red satellite data or other data that are avail-
13 able as of the date of the evaluation that are
14 not being used for ballistic missile tracking;

15 (C) determine whether and how using the
16 data described in subparagraph (B) could im-
17 prove sensor coverage for the homeland missile
18 defense of the United States and regional mis-
19 sile defense capabilities;

20 (D) study the plans of the Director of the
21 Missile Defense Agency to integrate the preci-
22 sion tracking space system concept into the bal-
23 listic missile defense system and evaluate the
24 concept of operations and missile defense en-
25 gagement scenarios of such use;

1 (E) consider the agreement entered into
2 under subsection (d)(1); and

3 (F) consider any other matters the Direc-
4 tor believes useful that do not unduly delay
5 completion of the evaluation.

6 (4) COST DETERMINATION.—In conducting the
7 independent cost estimate under paragraph (1)(A),
8 the Director of Cost Assessment and Program Eval-
9 uation shall take into account acquisition costs and
10 operation and sustainment costs during the initial
11 10-year and 20-year periods.

12 (5) COOPERATION.—The Director of the Missile
13 Defense Agency shall provide to the Director of Cost
14 Assessment and Program Evaluation the informa-
15 tion necessary to conduct the independent cost esti-
16 mate and the evaluation of alternatives of such pro-
17 gram under paragraph (1).

18 (c) SUBMISSION REQUIRED.—Not later than April
19 30, 2013, the Director of Cost Assessment and Program
20 Evaluation shall submit to the congressional defense com-
21 mittees the independent cost estimate and evaluation
22 under subparagraphs (A) and (B) of subsection (b)(1).

23 (d) MEMORANDUM OF AGREEMENT.—

24 (1) IN GENERAL.—The Director of the Missile
25 Defense Agency shall enter into a memorandum of

1 agreement with the Commander of the Air Force
2 Space Command with respect to the space situa-
3 tional awareness capabilities, requirements, design,
4 and cost sharing of the precision tracking space sys-
5 tem.

6 (2) SUBMISSION.—The Director shall submit to
7 the congressional defense committees the agreement
8 entered into under paragraph (1).

9 (e) REVIEW BY THE COMPTROLLER GENERAL.—

10 (1) TERMS OF REFERENCE.—The Comptroller
11 General of the United States shall provide to the
12 congressional defense committees—

13 (A) by not later than 30 days after the
14 date on which the terms of reference for the
15 evaluation under subsection (b)(1)(B) are pro-
16 vided to such committees pursuant to sub-
17 section (a)(2), a briefing on the views of the
18 Comptroller General with respect to such terms
19 of reference and their conformance with the
20 best practices for analyses of alternatives estab-
21 lished by the Comptroller General; and

22 (B) a final report on such terms as soon
23 as practicable following the date of the briefing
24 under subparagraph (A).

1 (2) COMPREHENSIVE PTSS ASSESSMENT.—The
2 Comptroller General shall further provide to the con-
3 gressional defense committees—

4 (A) by not later than 60 days after the
5 date on which the evaluation is submitted to
6 such committees under subsection (c), a brief-
7 ing on the views of the Comptroller General
8 with respect to such evaluation; and

9 (B) a final report on such evaluation as
10 soon as practicable following the date of the
11 briefing under subparagraph (A).

12 **SEC. 225. NEXT GENERATION EXO-ATMOSPHERIC KILL VE-**
13 **HICLE.**

14 (a) PLAN FOR NEXT GENERATION KILL VEHICLE.—
15 The Director of the Missile Defense Agency shall develop
16 a long-term plan for the exo-atmospheric kill vehicle that
17 addresses both modifications and enhancements to the
18 current exo-atmospheric kill vehicle and options for the
19 competitive development of a next generation exo-atmos-
20 pheric kill vehicle for the ground-based interceptor of the
21 ground-based midcourse defense system and any other in-
22 terceptor that might be developed for the defense of the
23 United States against long-range ballistic missiles.

24 (b) DEFINITION OF PARAMETERS AND CAPABILI-
25 TIES.—

1 (1) ASSESSMENT REQUIRED.—The Director
2 shall define the desired technical parameters and
3 performance capabilities for a next generation exo-
4 atmospheric kill vehicle using an assessment con-
5 ducted by the Director for that purpose that is de-
6 signed to ensure that a next generation exo-atmos-
7 pheric kill vehicle design—

8 (A) enables ease of manufacturing, high
9 tolerances to production processes and supply
10 chain variability, and inherent reliability;

11 (B) will be optimized to take advantage of
12 the ballistic missile defense system architecture
13 and sensor system capabilities;

14 (C) leverages all relevant kill vehicle devel-
15 opment activities and technologies, including
16 from the current standard missile—3 block IIB
17 program and the previous multiple kill vehicle
18 technology development program;

19 (D) seeks to maximize, to the greatest ex-
20 tent practicable, commonality between sub-
21 systems of a next generation exo-atmospheric
22 kill vehicle and other exo-atmospheric kill vehi-
23 cle programs; and

24 (E) meets Department of Defense criteria,
25 as established in the February 2010 Ballistic

1 Missile Defense Review, for affordability, reli-
2 ability, suitability, and operational effectiveness
3 to defend against limited attacks from evolving
4 and future threats from long-range missiles.

5 (2) EVALUATION OF PAYLOADS.—The assess-
6 ment required by paragraph (1) shall include an
7 evaluation of the potential benefits and drawbacks of
8 options for both unitary and multiple exo-atmos-
9 pheric kill vehicle payloads.

10 (3) STANDARD MISSILE—3 BLOCK IIB INTER-
11 CEPTOR.—As part of the assessment required by
12 paragraph (1), the Director shall evaluate whether
13 there are potential options and opportunities arising
14 from the standard missile—3 block IIB interceptor
15 development program for development of an exo-at-
16 mospheric kill vehicle, or kill vehicle technologies or
17 components, that could be used for potential up-
18 grades to the ground-based interceptor or for a next
19 generation exo-atmospheric kill vehicle.

20 (c) REPORT.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Di-
23 rector shall submit to the congressional defense com-
24 mittees a report setting forth the plan developed
25 under subsection (a), including the results of the as-

1 assessment under subsection (b), and an estimate of
2 the cost and schedule of implementing the plan.

3 (2) FORM.—The report required by paragraph
4 (1) shall be submitted in unclassified form, but may
5 include a classified annex.

6 **SEC. 226. MODERNIZATION OF THE PATRIOT AIR AND MIS-**
7 **SILE DEFENSE SYSTEM.**

8 (a) PLAN FOR MODERNIZATION.—Not later than 180
9 days after the date of the enactment of this Act, the Sec-
10 retary of the Army shall submit to the congressional de-
11 fense committees a prioritized plan for support of the
12 long-term requirements in connection with the moderniza-
13 tion of the Patriot air and missile defense system and re-
14 lated systems of the integrated air and missile defense ar-
15 chitecture.

16 (b) ADDITIONAL ELEMENTS.—The report required
17 by subsection (a) shall also set forth the following:

18 (1) An explanation of the requirements and
19 goals for the Patriot air and missile defense system
20 and related systems of the integrated air and missile
21 defense architecture during the 10-year period be-
22 ginning on the date of the report.

23 (2) An assessment of the integrated air and
24 missile defense capabilities required to meet the de-

1 mands of evolving and emerging threats during the
2 ten-year period beginning on the date of the report.

3 (3) A plan for the introduction of changes to
4 the Patriot air and missile defense system program
5 to achieve reductions in the life-cycle cost of the Pa-
6 triot air and missile defense system.

7 **SEC. 227. EVALUATION AND ENVIRONMENTAL IMPACT AS-**
8 **SESSMENT OF POTENTIAL FUTURE MISSILE**
9 **DEFENSE SITES IN THE UNITED STATES.**

10 (a) **EVALUATION.**—Not later than December 31,
11 2013, the Secretary of Defense shall conduct a study to
12 evaluate at least three possible additional locations in the
13 United States, selected by the Director of the Missile De-
14 fense Agency, that would be best suited for future deploy-
15 ment of an interceptor capable of protecting the homeland
16 against threats from nations such as North Korea and
17 Iran. At least two of such locations shall be on the East
18 Coast of the United States.

19 (b) **ENVIRONMENTAL IMPACT STATEMENT RE-**
20 **QUIRED.**—Except as provided by subsection (c), the Sec-
21 retary shall prepare an environmental impact statement
22 in accordance with the National Environmental Policy Act
23 of 1969 (42 U.S.C. et seq.) for the locations the Secretary
24 evaluates under subsection (a).

1 (c) EXCEPTION.—If an environmental impact state-
2 ment has already been prepared for a location the Sec-
3 retary evaluates under subsection (a), the Secretary shall
4 not be required to prepare another environmental impact
5 statement for such location.

6 (d) CONTINGENCY PLAN.—In light of the evaluation
7 under subsection (a), the Director of the Missile Defense
8 Agency shall—

9 (1) develop a contingency plan for the deploy-
10 ment of a homeland missile defense interceptor site
11 that is in addition to such sites that exist as of the
12 date of the enactment of this Act in case the Presi-
13 dent determines to proceed with such an additional
14 deployment; and

15 (2) notify the congressional defense committees
16 when such contingency plan has been developed.

17 **SEC. 228. HOMELAND BALLISTIC MISSILE DEFENSE.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) it is a national priority to defend the United
21 States homeland against the threat of limited bal-
22 listic missile attack (whether accidental, unauthor-
23 ized, or deliberate);

24 (2) the currently deployed ground-based mid-
25 course defense system, with 30 ground-based inter-

1 ceptors deployed in Alaska and California, provides
2 a level of protection of the United States homeland;

3 (3) it is essential for the ground-based mid-
4 course defense system to achieve the levels of reli-
5 ability, availability, sustainability, and operational
6 performance that will allow it to continue providing
7 protection of the United States homeland;

8 (4) the Missile Defense Agency should, as its
9 highest priority, correct the problem that caused the
10 December 2010 ground-based midcourse defense
11 system flight test failure and demonstrate the cor-
12 rection in flight tests before resuming production of
13 the capability enhancement-II kill vehicle, in order to
14 provide confidence that the system will work as in-
15 tended;

16 (5) the Department of Defense should continue
17 to enhance the performance and reliability of the
18 ground-based midcourse defense system, and en-
19 hance the capability of the ballistic missile defense
20 system, to provide improved capability to defend the
21 homeland;

22 (6) the Missile Defense Agency should have a
23 robust, rigorous, and operationally realistic testing
24 program for the ground-based midcourse defense

1 system, including salvo testing, multiple simulta-
2 neous engagement testing, and operational testing;

3 (7) the Department of Defense has taken a
4 number of prudent, affordable, cost-effective, and
5 operationally significant steps to hedge against the
6 possibility of future growth in the missile threat to
7 the homeland from North Korea and Iran; and

8 (8) the Department of Defense should continue
9 to evaluate the evolving threat of limited ballistic
10 missile attack, particularly from countries such as
11 North Korea and Iran, and consider other possibili-
12 ties for prudent, affordable, cost-effective, and oper-
13 ationally significant steps to improve the posture of
14 the United States to defend the homeland.

15 (b) REPORT.—

16 (1) REPORT REQUIRED.—Not later than 180
17 days after the date of the enactment of this Act, the
18 Secretary of Defense shall submit to the congress-
19 sional defense committees a report on the status of
20 efforts to improve the homeland ballistic missile de-
21 fense capability of the United States.

22 (2) ELEMENTS OF REPORT.—The report re-
23 quired by paragraph (1) shall include the following:

24 (A) A detailed description of the actions
25 taken or planned to improve the reliability,

1 availability, and capability of the ground-based
2 midcourse defense system, particularly the
3 exoatmospheric kill vehicle, and any other ac-
4 tions to improve the homeland missile defense
5 posture to hedge against potential future
6 growth in the threat of limited ballistic missile
7 attack (whether accidental, unauthorized, or de-
8 liberate), particularly from countries such as
9 North Korea and Iran.

10 (B) A description of any improvements
11 achieved as a result of the actions described in
12 subparagraph (A).

13 (C) A description of the results of the two
14 planned flight tests of the ground-based mid-
15 course defense system (control test vehicle flight
16 test-1, and GMD flight test-06b) intended to
17 demonstrate the success of the correction of the
18 problem that caused the flight test failure of
19 December 2010, and the status of any decision
20 to resume production of the capability enhance-
21 ment-II kill vehicle.

22 (D) a detailed description of the planned
23 roles and requirements for the standard missile-
24 3 block IIB interceptor to augment the defense
25 of the homeland, including the capabilities

1 needed to defeat long-range missiles that could
2 be launched from Iran to the United States;

3 (E) Any other matters the Secretary con-
4 siders appropriate.

5 (3) FORM OF REPORT.—The report shall be
6 submitted in unclassified form, but may include a
7 classified annex.

8 (c) COMPTROLLER GENERAL BRIEFING AND RE-
9 PORT.—

10 (1) BRIEFING.—Not later than 60 days after
11 the date on which the Secretary submits the report
12 under subsection (b)(1), the Comptroller General of
13 the United States shall brief the congressional de-
14 fense committees with the views of the Comptroller
15 General on the report.

16 (2) REPORT.—As soon as practicable after the
17 date on which the Comptroller General briefs the
18 congressional defense committees under paragraph
19 (1), the Comptroller General shall submit to such
20 committees a report on the views included in such
21 briefing.

22 **SEC. 229. REGIONAL BALLISTIC MISSILE DEFENSE.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) the threat from regional ballistic missiles,
2 particularly from Iran and North Korea, is serious
3 and growing, and puts at risk forward-deployed
4 forces of the United States and allies and partners
5 in Europe, the Middle East, and the Asia-Pacific re-
6 gion;

7 (2) the Department of Defense has an obliga-
8 tion to provide force protection of forward-deployed
9 forces, assets, and facilities of the United States
10 from regional ballistic missile attack;

11 (3) the United States has an obligation to meet
12 its security commitments to its allies, including bal-
13 listic missile defense commitments;

14 (4) the Department of Defense has a program
15 of investment and capabilities to provide for both
16 homeland defense and regional defense against bal-
17 listic missiles, consistent with the Ballistic Missile
18 Defense Review of 2010 and with the prioritized and
19 integrated needs of the commanders of the combat-
20 ant commands;

21 (5) the European Phased Adaptive Approach to
22 missile defense is a response to the existing and
23 growing ballistic missile threat from Iran to forward
24 deployed United States forces, allies and partners in
25 Europe;

1 (6) the Department of Defense—

2 (A) should, as a high priority, continue to
3 develop, test, and plan to deploy all four phases
4 of the European Phased Adaptive Approach, in-
5 cluding all variants of the standard missile—3
6 interceptor;

7 (B) should continue to conduct tests to
8 evaluate and assess the capability of future
9 phases of the European Phased Adaptive Ap-
10 proach and to demonstrate whether they will
11 achieve their intended roles, as outlined in the
12 Ballistic Missile Defense Review of 2010; and

13 (C) should also continue with its other
14 phased and adaptive regional missile defense ef-
15 forts tailored to the Middle East and the Asia-
16 Pacific region; and

17 (7) European members of the North Atlantic
18 Treaty Organization are making a variety of con-
19 tributions to missile defense in Europe, by hosting
20 elements of missile defense systems of the United
21 States on their territories, through individual na-
22 tional contributions to missile defense capability, and
23 by collective funding and development of the Active
24 Layered Theater Ballistic Missile Defense system;
25 and

1 (8) allies and partners of the United States in
2 the Asia-Pacific region and in the Middle East are
3 making contributions to regional missile defense ca-
4 pabilities, including by hosting elements of missile
5 defense systems of the United States on their terri-
6 tories; jointly developing missile defense capabilities;
7 and cooperating in regional missile defense architec-
8 tures.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than 180 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Defense shall submit to the congressional
13 defense committees a report describing the status
14 and progress of regional missile defense programs
15 and efforts.

16 (2) ELEMENTS OF REPORT.—The report re-
17 quired by paragraph (1) shall include the following:

18 (A) An assessment of the adequacy of the
19 existing and planned European Phased Adapt-
20 ive Approach to provide force protection for for-
21 ward-deployed forces of the United States in
22 Europe against ballistic missile threats from
23 Iran, and an assessment whether adequate
24 force protection would be available absent the
25 European Phased Adaptive Approach, given

1 current and planned Patriot, Terminal High Al-
2 titude Area Defense, and Aegis ballistic missile
3 defense capability.

4 (B) A description of the progress made in
5 the development and testing of elements of sys-
6 tems intended for deployment in Phases 2
7 through 4 of the European Phased Adaptive
8 Approach, and an assessment of technical and
9 schedule risks.

10 (C) A description of the missile defense
11 priorities and capability needs of the regional
12 combatant commands, and the planned regional
13 missile defense architectures derived from those
14 capability needs and priorities.

15 (D) A description of the global force man-
16 agement process used to evaluate the missile
17 defense capability needs of the regional combat-
18 ant commands and to determine the resource
19 allocation and deployment outcomes among
20 such commands.

21 (E) A description of the missile defense
22 command and control concepts and arrange-
23 ments in place for United States and allied re-
24 gional missile defense forces, and the missile
25 defense partnerships and burden-sharing ar-

1 rangements in place between the United States
2 and its allies and partners.

3 (3) FORM.—The report required by paragraph
4 (1) shall be submitted in unclassified form, but may
5 include a classified annex.

6 (c) COMPTROLLER GENERAL VIEWS.—The Comp-
7 troller General of the United States shall—

8 (1) brief the congressional defense committees
9 with the views of the Comptroller General on the re-
10 port under subsection (b)(1) by not later than 60
11 days after the date on which the Secretary submits
12 such report; and

13 (2) submit to such committees a written report
14 on such views as soon as practicable after the date
15 of the briefing under paragraph (1).

16 **SEC. 230. NATO CONTRIBUTIONS TO MISSILE DEFENSE IN**
17 **EUROPE.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of the enactment of this Act, the Secretary of Defense
20 shall submit to the congressional defense committees a re-
21 port on contributions of members of the North Atlantic
22 Treaty Organization to missile defense in Europe.

23 (b) ELEMENTS.—The report required under sub-
24 section (a) shall include a discussion of the full range of
25 contributions made by members of NATO, individually

1 and collectively, to missile defense in Europe, including the
2 following:

3 (1) Financial contributions to the development
4 of the Active Layered Theater Ballistic Missile De-
5 fense command and control system or other NATO
6 missile defense capabilities, including the European
7 Phased Adaptive Approach.

8 (2) National contributions of missile defense ca-
9 pabilities to NATO.

10 (3) Agreements to host missile defense facilities
11 in the territory of the member state.

12 (4) Contributions in the form of providing sup-
13 port, including security, for missile defense facilities
14 in the territory of the member state.

15 (5) Any other contributions being planned by
16 members of NATO, including the modification of ex-
17 isting military systems to contribute to the missile
18 defense capability of NATO.

19 (6) A discussion of whether there are other op-
20 portunities for future contributions, financial and
21 otherwise, to missile defense by members of NATO.

22 (7) Any other matters the Secretary determines
23 appropriate.

1 (c) FORM OF REPORT.—The report required by sub-
2 section (a) shall be submitted in unclassified form, but
3 may include a classified annex.

4 **SEC. 231. REPORT ON TEST PLAN FOR THE GROUND-BASED**
5 **MIDCOURSE DEFENSE SYSTEM.**

6 (a) REPORT REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the congressional defense com-
9 mittees a report on the testing program for the ground-
10 based midcourse defense element of the ballistic missile
11 defense system.

12 (b) ELEMENTS.—The report under subsection (a)
13 shall include the following:

14 (1) An explanation of testing options for the
15 ground-based midcourse defense system if planned
16 flight tests CTV-01 and FTG-06b do not dem-
17 onstrate the successful correction to the problem
18 that caused the failure of the capability enhance-
19 ment-2 kill vehicle in flight test FTG-06a in De-
20 cember 2010, including additional testing of the ca-
21 pability enhancement-1 kill vehicle.

22 (2) An assessment of the feasibility, advis-
23 ability, and cost effectiveness (including the potential
24 benefits, risks, and impact on the current test plan
25 and integrated master test plan for the ground-

1 based midcourse defense system) of adjusting the
2 test plan of the ground-based midcourse defense sys-
3 tem to accomplish, at an acceptable level of risk—

4 (A) accelerating to fiscal year 2014 the
5 date for testing such system using a capability
6 enhancement—1 kill vehicle against an inter-
7 continental ballistic missile-range target; and

8 (B) increasing the pace of the flight test-
9 ing of such system to a rate of three tests every
10 two years.

11 (3) If the Secretary determines that either op-
12 tion described in subparagraph (A) or (B) of para-
13 graph (2) would be feasible, advisable, and cost ef-
14 fective, a discussion of whether increased funding
15 beyond the funding requested in the budget for fiscal
16 year 2013 is required to carry out such options and,
17 if so, what level of increased funding would be nec-
18 essary to carry out each such option.

19 (4) Any additional matters the Secretary deter-
20 mines appropriate.

21 (c) DOT&E VIEWS.—The Secretary shall include an
22 appendix to the report under subsection (a) that contains
23 the views of the Director of Operational Test and Evalua-
24 tion regarding the contents of the report.

1 (d) FORM.—The report under subsection (a) shall be
2 submitted in unclassified form, but may include a classi-
3 fied annex.

4 (e) COMPTROLLER GENERAL VIEWS.—The Comp-
5 troller General of the United States shall—

6 (1) brief the congressional defense committees
7 concerning the views of the Comptroller General on
8 the report required under subsection (a) by not later
9 than 60 days after the date on which the Secretary
10 submits such report; and

11 (2) submit to such committees a written report
12 on such views as soon as practicable after the date
13 of the briefing under paragraph (1).

14 **SEC. 232. SENSE OF CONGRESS ON MISSILE DEFENSE.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) In a December 18, 2010, letter to the Sen-
17 ate leadership, President Obama wrote that the
18 North Atlantic Treaty Organization (NATO) “in-
19 vited the Russian Federation to cooperate on missile
20 defense, which could lead to adding Russian capa-
21 bilities to those deployed by NATO to enhance our
22 common security against common threats. The Lis-
23 bon Summit thus demonstrated that the Alliance’s
24 missile defenses can be strengthened by improving
25 NATO-Russian relations. This comes even as we

1 have made it clear that the system we intend to pur-
2 sue with Russia will not be a joint system, and it
3 will not in any way limit United States' or NATO's
4 missile defense capabilities.”.

5 (2) In a February 2, 2011, message to the Sen-
6 ate concerning its December 22, 2010, Resolution of
7 Advice and Consent to Ratification of the New
8 START Treaty, President Obama certified that “It
9 is the policy of the United States to continue devel-
10 opment and deployment of United States missile de-
11 fense systems to defend against missile threats from
12 nations such as North Korea and Iran, including
13 qualitative and quantitative improvements to such
14 systems. As stated in the Resolution, such systems
15 include all phases of the Phased Adaptive Approach
16 to missile defense in Europe, the modernization of
17 the Ground-based Midcourse Defense system, and
18 the continued development of the two-stage Ground-
19 Based Interceptor as a technological and strategic
20 hedge.”.

21 (3) In a letter dated December 13, 2011, to
22 Senator Mark Kirk, Robert Nabors, Assistant to the
23 President and Director of the Office of Legislative
24 Affairs, wrote that “The United States remains
25 committed to implementing the European Phased

1 Adaptive Approach to missile defense, and will not
2 agree to any constraints limiting the development or
3 deployment of United States missile defenses” and
4 “[w]e will not provide Russia with sensitive informa-
5 tion about our missile defense systems that would in
6 any way compromise our national security. For ex-
7 ample, hit-to-kill technology and interceptor telem-
8 etry will under no circumstances be provided to Rus-
9 sia.”.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) pursuant to section 2 of the National Mis-
13 sile Defense Act of 1999 (Public Law 106–38; 113
14 Stat. 205; 10 U.S.C. 2431 note), it is the policy of
15 the United States “to deploy as soon as is techno-
16 logically possible an effective National Missile De-
17 fense system capable of defending the territory of
18 the United States against limited ballistic missile at-
19 tack (whether accidental, unauthorized, or delib-
20 erate)...”;

21 (2) defenses against ballistic missiles are essen-
22 tial for new deterrent strategies and for new strate-
23 gies should deterrence fail;

1 (3) further limitations on the missile defense
2 capabilities of the United States are not in the na-
3 tional security interest of the United States;

4 (4) the New Start Treaty and the April 7,
5 2010, unilateral statement of the Russian Federa-
6 tion on missile defense do not limit in any way, and
7 shall not be interpreted as limiting, activities that
8 the Federal Government of the United States cur-
9 rently plans or that might be required over the dura-
10 tion of the New START Treaty to protect the
11 United States pursuant to the National Missile De-
12 fense Act of 1999, or to protect the Armed Forces
13 of the United States and allies of the United States
14 from limited ballistic missile attack, including fur-
15 ther planned enhancements to the Ground-based
16 Midcourse Defense system and all phases of the
17 Phased Adaptive Approach to missile defense in Eu-
18 rope;

19 (5) it was the Understanding of the Senate in
20 its December 22, 2010, Resolution of Advice and
21 Consent to Ratification of the New START Treaty
22 that, “any additional New START Treaty limita-
23 tions on the deployment of missile defenses beyond
24 those contained in paragraph 3 of Article V, includ-
25 ing any limitations agreed under the auspices of the

1 Bilateral Consultative Commission, would require an
2 amendment to the New START Treaty which may
3 enter into force for the United States only with the
4 advice and consent of the Senate, as set forth in Ar-
5 ticle II, section 2, clause 2 of the Constitution of the
6 United States”; and

7 (6) section 303(b) of the Arms Control and
8 Disarmament Act (22 U.S.C. 2573(b)) requires that
9 “no action shall be taken pursuant to this or any
10 other Act that would obligate the United States to
11 reduce or limit the Armed Forces or armaments of
12 the United States in a militarily significant manner,
13 except pursuant to the treaty-making power of the
14 President set forth in Article II, Section 2, Clause
15 2 of the Constitution.”.

16 (c) NEW START TREATY DEFINED.—In this sec-
17 tion, the term “New START Treaty” means the Treaty
18 between the United States of America and the Russian
19 Federation on Measures for the Further Reduction and
20 Limitation of Strategic Offensive Arms, signed on April
21 8, 2010, and entered into force on February 5, 2011.

1 **SEC. 233. SENSE OF CONGRESS ON THE SUBMITTAL TO**
2 **CONGRESS OF THE HOMELAND DEFENSE**
3 **HEDGING POLICY AND STRATEGY REPORT OF**
4 **THE SECRETARY OF DEFENSE.**

5 It is the sense of the Congress that—

6 (1) the homeland defense hedging policy and
7 strategy report required by section 233 of the Na-
8 tional Defense Authorization Act for Fiscal Year
9 2012 (Public Law 112–81; 125 Stat. 1340) is nec-
10 essary to inform Congress on options to protect the
11 United States homeland against the evolving ballistic
12 missile threat, including potential options prior to
13 the deployment of Phase 4 of the European Phased
14 Adaptive Approach to missile defense; and

15 (2) the Secretary of Defense should comply
16 with the requirements of such section 233 by sub-
17 mitting the homeland defense hedging policy and
18 strategy report to Congress.

19 **Subtitle D—Reports**

20 **SEC. 241. MISSION PACKAGES FOR THE LITTORAL COMBAT**
21 **SHIP.**

22 (a) REPORT REQUIRED.—Not later than March 1,
23 2013, the Secretary of the Navy shall, in consultation with
24 the Director of Operational Test and Evaluation, submit
25 to the congressional defense committees a report on the
26 mine countermeasures warfare, antisubmarine warfare,

1 and surface warfare mission packages for the Littoral
2 Combat Ship.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall set forth the following:

5 (1) A plan for the mission packages dem-
6 onstrating that preliminary design review for every
7 capability increment precedes Milestone B or equiva-
8 lent approval for that increment.

9 (2) A plan for demonstrating that the capability
10 increment for each mission package, combined with
11 a Littoral Combat Ship, on the basis of a prelimi-
12 nary design review and post-preliminary design re-
13 view assessment, will achieve the capability specified
14 for that increment.

15 (3) A plan for demonstrating the survivability
16 and lethality of the Littoral Combat Ship with its
17 mission packages sufficiently early in the develop-
18 ment phase of the system to minimize costs of con-
19 currency.

20 **SEC. 242. STUDY ON ELECTRONIC WARFARE CAPABILITIES**
21 **OF THE MARINE CORPS.**

22 (a) STUDY.—The Commandant of the Marine Corps
23 shall conduct a study on the future capabilities of the Ma-
24 rine Corps with respect to electronic warfare.

25 (b) REPORT.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the date of the enactment of this Act, the Com-
3 mandant shall submit to the congressional defense
4 committees a report on the study conducted under
5 subsection (a).

6 (2) MATTERS INCLUDED.—The report under
7 paragraph (1) shall include the following:

8 (A) A detailed plan for the disposition of
9 EA-6B Prowler aircraft squadrons.

10 (B) A solution for the replacement of the
11 capability provided by such aircraft.

12 (C) Concepts of operation for future air-
13 ground task force electronic warfare capabilities
14 of the Marine Corps.

15 (D) Any other issues that the Com-
16 mandant determines appropriate.

17 **SEC. 243. CONDITIONAL REQUIREMENT FOR REPORT ON**
18 **AMPHIBIOUS ASSAULT VEHICLES FOR THE**
19 **MARINE CORPS.**

20 (a) IN GENERAL.—If the ongoing Marine Corps
21 ground combat vehicle fleet mix study recommends the ac-
22 quisition of a separate Marine Personnel Carrier, the Sec-
23 retary of the Navy and the Commandant of the Marine
24 Corps shall jointly submit to the congressional defense
25 committees a report that includes the following:

1 (1) A detailed description of the capability gaps
2 that Marine Personnel Carriers are intended to miti-
3 gate and the capabilities that the Marine Personnel
4 Carrier will be required to have to mitigate such
5 gaps, and an assessment whether, and to what ex-
6 tent, Amphibious Combat Vehicles could mitigate
7 such gaps.

8 (2) A detailed explanation of the role of the
9 Marine Personnel Carriers in the operations of the
10 Marine Corps, as well as a comparative estimate of
11 the acquisition and life-cycle costs of—

12 (A) a fleet consisting of both Amphibious
13 Combat Vehicles and Marine Personnel Car-
14 riers; and

15 (B) a fleet consisting of only Amphibious
16 Combat Vehicles.

17 (b) SUBMITTAL DATE.—If required, the report under
18 subsection (a) shall be submitted not later than the later
19 of—

20 (1) the date that is 60 days after the date of
21 the completion of the study referred to in subsection
22 (a); or

23 (2) February 1, 2013.

1 **SEC. 244. REPORT ON CYBER AND INFORMATION TECH-**
2 **NOLOGY RESEARCH INVESTMENTS OF THE**
3 **AIR FORCE.**

4 (a) REPORT.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretary of the Air
6 Force shall submit to the congressional defense commit-
7 tees a report detailing the investment strategy of the Air
8 Force with respect to the spectrum of—

9 (1) cyber science and technology;

10 (2) autonomy, command and control, and deci-
11 sion support technologies;

12 (3) connectivity and dissemination technologies;

13 and

14 (4) processing and exploitation technologies.

15 (b) ELEMENTS.—The report under subsection (a)
16 shall include the following:

17 (1) An identification of the near-, mid-, and
18 far-term science and technology priorities of the Air
19 Force with respect to cyber and information-related
20 technologies and the resources (including both fund-
21 ing and personnel) projected to address these prior-
22 ities.

23 (2) A strategy to transition the results of the
24 science and technology priorities described in para-
25 graph (1) into weapon systems, including cyber
26 tools.

1 (3) A description of how the Air Force will re-
2 cruit, train, and retain a highly skilled workforce in
3 cyber and information-related technologies, including
4 the use of the authorities granted under the labora-
5 tory demonstration program established by section
6 342 of the National Defense Authorization Act for
7 Fiscal Year 1995 (Public Law 103–337; 108 Stat.
8 2721), as most recently amended by section 1114 of
9 the Floyd D. Spence National Defense Authorization
10 Act for Fiscal Year 2001 (Public Law 106–398; 114
11 Stat. 1654A–315).

12 (4) A description of laboratory infrastructure
13 and research facilities, including the Air Force Insti-
14 tute of Technology, that are necessary for the ac-
15 complishment of the science and technology prior-
16 ities described in paragraph (1).

17 **SEC. 245. NATIONAL RESEARCH COUNCIL REVIEW OF DE-**
18 **FENSE SCIENCE AND TECHNICAL GRADUATE**
19 **EDUCATION NEEDS.**

20 (a) REVIEW.—The Secretary of Defense shall enter
21 into an agreement with the National Research Council to
22 conduct a review of specialized degree-granting graduate
23 programs of the Department of Defense in science, tech-
24 nology, engineering, mathematics, and management.

1 (b) MATTERS INCLUDED.—At a minimum, the review
2 under subsection (a) shall address—

3 (1) the need by the Department of Defense and
4 the military departments for military and civilian
5 personnel with advanced degrees in science, tech-
6 nology, engineering, mathematics, and management,
7 including a list of the numbers of such personnel
8 needed by discipline;

9 (2) an analysis of the sources by which the De-
10 partment of Defense and the military departments
11 obtain military and civilian personnel with such ad-
12 vanced degrees;

13 (3) the need for educational institutions under
14 the Department of Defense to meet the needs identi-
15 fied in paragraph (1);

16 (4) the costs and benefits of maintaining such
17 educational institutions, including costs relating to
18 in-house research;

19 (5) the ability of private institutions or dis-
20 tance-learning programs to meet the needs identified
21 in paragraph (1);

22 (6) existing organizational structures, including
23 reporting chains, within the military departments to
24 manage the graduate education needs of the Depart-

1 ment of Defense and the military departments in the
2 fields described in paragraph (1); and

3 (7) recommendations for improving the ability
4 of the Department of Defense to identify, manage,
5 and source the graduate education needs of the De-
6 partment in such fields.

7 (c) REPORT.—Not later than 30 days after the date
8 on which the review under subsection (a) is completed, the
9 Secretary shall submit to the congressional defense com-
10 mittees a report on the results of such review.

11 **Subtitle E—Other Matters**

12 **SEC. 251. ELIGIBILITY FOR DEPARTMENT OF DEFENSE** 13 **LABORATORIES TO ENTER INTO EDU-** 14 **CATIONAL PARTNERSHIPS WITH EDU-** 15 **CATIONAL INSTITUTIONS IN TERRITORIES** 16 **AND POSSESSIONS OF THE UNITED STATES.**

17 (a) ELIGIBILITY OF INSTITUTIONS IN TERRITORIES
18 AND POSSESSIONS.—Section 2194(f) of title 10, United
19 States Code, is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(3) The term ‘United States’ includes the
22 Commonwealth of Puerto Rico, the Commonwealth
23 of the Northern Mariana Islands, and any other ter-
24 ritory or possession of the United States.”.

1 (b) TECHNICAL AMENDMENT.—Paragraph (2) of
2 such section is amended by inserting “(20 U.S.C. 7801)”
3 before the period.

4 **SEC. 252. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.**

5 (a) DEVELOPMENT OF INNOVATIVE ADVANCED
6 TECHNOLOGIES.—The Secretary of Defense may use the
7 research and engineering network of the Department of
8 Defense, including the organic industrial base, to support
9 regional advanced technology clusters established by the
10 Secretary of Commerce to encourage the development of
11 innovative advanced technologies to address national secu-
12 rity and homeland defense challenges.

13 (b) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Under Secretary of De-
15 fense for Acquisition, Technology, and Logistics shall sub-
16 mit to the appropriate congressional committees a report
17 describing—

18 (1) the participation of the Department of De-
19 fense in regional advanced technology clusters, in-
20 cluding the number of—

21 (A) clusters supported;

22 (B) technologies developed and
23 transitioned to acquisition programs;

24 (C) products commercialized;

25 (D) small businesses trained;

1 (E) companies started; and

2 (F) research and development facilities
3 shared;

4 (2) implementation by the Department of proc-
5 esses and tools to facilitate collaboration with the
6 clusters;

7 (3) agreements established by the Department
8 with the Department of Commerce to jointly support
9 the continued growth of the clusters;

10 (4) methods to evaluate the effectiveness of
11 technology cluster policies;

12 (5) any additional required authorities and any
13 impediments to supporting regional advanced tech-
14 nology clusters; and

15 (6) the use of any agreements entered into
16 under the Intergovernmental Personnel Act of 1970
17 (42 U.S.C. 4701 et seq.) and any access granted to
18 facilities of the Department of Defense for research
19 and development purposes.

20 (c) COLLABORATION.—The Secretary of Defense may
21 meet, collaborate, and share resources with other Federal
22 agencies for purposes of assisting in the use and appro-
23 priate growth of regional advanced technology clusters
24 under this section.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “appropriate congressional com-
2 mittees” means—

3 (A) the congressional defense committees;

4 (B) the Committee on Commerce, Science,
5 and Transportation of the Senate; and

6 (C) the Committee on Energy and Com-
7 merce of the House of Representatives.

8 (2) The term “regional advanced technology
9 clusters” means geographic centers focused on build-
10 ing science and technology-based innovation capacity
11 in areas of local and regional strength to foster eco-
12 nomic growth and improve quality of life.

13 **SEC. 253. SENSE OF CONGRESS ON INCREASING THE COST-**
14 **EFFECTIVENESS OF TRAINING EXERCISES**
15 **FOR MEMBERS OF THE ARMED FORCES.**

16 It is the sense of Congress that—

17 (1) modeling and simulation will continue to
18 play a critical role in the training of the members
19 of the Armed Forces;

20 (2) while increased modeling and simulation has
21 reduced overall costs of training of members of the
22 Armed Forces, there are still significant costs associ-
23 ated with the human resources required to execute
24 certain training exercises where role-playing actors
25 for certain characters such as opposing forces, the

1 civilian populace, other government agencies, and
2 non-governmental organizations are required;

3 (3) technological advances in areas such as
4 varying levels of autonomy for systems, multi-player
5 gaming techniques, and artificial intelligence could
6 reduce the number of personnel required to support
7 certain training exercises for members of the Armed
8 Forces, and thereby reduce the overall cost of the
9 exercises; and

10 (4) the Secretary of Defense should develop a
11 plan to increase the use of emerging technologies in
12 autonomous systems, the commercial gaming sector,
13 and artificial intelligence for training exercises for
14 members of the Armed Forces to increase training
15 effectiveness and reduce costs.

16 **TITLE III—OPERATION AND**
17 **MAINTENANCE**

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environment

Sec. 311. Training range sustainment plan and training range inventory.

Sec. 312. Authority of Secretary of a military department to enter into cooperative agreements with Indian tribes for land management associated with military installations and State-owned National Guard installations.

Sec. 313. Department of Defense guidance on environmental exposures at military installations and briefing regarding environmental exposures to members of the Armed Forces.

Sec. 314. Report on status of targets in implementation plan for operational energy strategy.

Sec. 315. Limitation on obligation of Department of Defense funds from Defense Production Act of 1950 for biofuel refinery construction.

Sec. 316. Sense of Congress on protection of Department of Defense airfields, training airspace, and air training routes.

Subtitle C—Logistics and Sustainment

Sec. 321. Expansion and reauthorization of multi-trades demonstration project.

Sec. 322. Restoration and amendment of certain provisions relating to depot-level maintenance and core logistics capabilities.

Sec. 323. Rating chains for system program managers.

Subtitle D—Readiness

Sec. 331. Intergovernmental support agreements with State and local governments.

Sec. 332. Expansion and reauthorization of pilot program for availability of working-capital funds for product improvements.

Sec. 333. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.

Subtitle E—Reports

Sec. 341. Annual report on Department of Defense long-term corrosion strategy.

Sec. 342. Report on joint strategy for readiness and training in a C4ISR-denied environment.

Sec. 343. Comptroller General review of annual Department of Defense report on prepositioned materiel and equipment.

Sec. 344. Modification of report on maintenance and repair of vessels in foreign shipyards.

Sec. 345. Extension of deadline for Comptroller General report on Department of Defense service contract inventory.

Subtitle F—Limitations and Extension of Authority

Sec. 351. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.

Sec. 352. Aerospace control alert mission.

Sec. 353. Limitation on authorization of appropriations for the National Museum of the United States Army.

Sec. 354. Limitation on availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships.

Sec. 355. Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law.

Subtitle G—National Commission on the Structure of the Air Force

Sec. 361. Short title.

Sec. 362. Establishment of Commission.

Sec. 363. Duties of the Commission.

Sec. 364. Powers of the Commission.

Sec. 365. Commission personnel matters.

Sec. 366. Termination of the Commission.

Sec. 367. Funding.

Subtitle H—Other Matters

Sec. 371. Military working dog matters.

Sec. 372. Comptroller General review of handling, labeling, and packaging procedures for hazardous material shipments.

1 **Subtitle A—Authorization of**
2 **Appropriations**

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2013 for the use of the Armed Forces and other
6 activities and agencies of the Department of Defense for
7 expenses, not otherwise provided for, for operation and
8 maintenance, as specified in the funding table in section
9 4301.

10 **Subtitle B—Energy and**
11 **Environment**

12 **SEC. 311. TRAINING RANGE SUSTAINMENT PLAN AND**
13 **TRAINING RANGE INVENTORY.**

14 Section 366 of the Bob Stump National Defense Au-
15 thorization Act for Fiscal Year 2003 (Public Law 107–
16 314; 116 Stat. 2522; 10 U.S.C. 113 note), as most re-
17 cently amended by section 348 of the John Warner Na-
18 tional Defense Authorization Act for Fiscal Year 2007
19 (Public Law 109–364; 120 Stat. 2159), is amended—

20 (1) in subsection (a)(5), by striking “each of
21 fiscal years 2005 through 2013” and inserting “each
22 fiscal year through fiscal year 2018”; and

1 (2) in subsection (c)(2), by striking “fiscal
2 years 2005 through 2013” and inserting “each fiscal
3 year through fiscal year 2018”.

4 **SEC. 312. AUTHORITY OF SECRETARY OF A MILITARY DE-**
5 **PARTMENT TO ENTER INTO COOPERATIVE**
6 **AGREEMENTS WITH INDIAN TRIBES FOR**
7 **LAND MANAGEMENT ASSOCIATED WITH MILI-**
8 **TARY INSTALLATIONS AND STATE-OWNED**
9 **NATIONAL GUARD INSTALLATIONS.**

10 (a) INCLUSION OF INDIAN TRIBES.—Section 103A(a)
11 of the Sikes Act (16 U.S.C. 670e–1(a)) is amended in the
12 matter preceding paragraph (1) by inserting “Indian
13 tribes,” after “local governments,”.

14 (b) INDIAN TRIBE DEFINED.—Section 100 of such
15 Act (16 U.S.C. 670) is amended by adding at the end the
16 following new paragraph:

17 “(6) INDIAN TRIBE.—The term ‘Indian tribe’
18 means any Indian tribe, band, nation, or other orga-
19 nized group or community, including any Alaska Na-
20 tive village or regional or village corporation as de-
21 fined in or established pursuant to the Alaska Na-
22 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
23 which is recognized as eligible for the special pro-
24 grams and services provided by the United States to
25 Indians because of their status as Indians.”.

1 **SEC. 313. DEPARTMENT OF DEFENSE GUIDANCE ON ENVI-**
2 **RONMENTAL EXPOSURES AT MILITARY IN-**
3 **STALLATIONS AND BRIEFING REGARDING**
4 **ENVIRONMENTAL EXPOSURES TO MEMBERS**
5 **OF THE ARMED FORCES.**

6 (a) ISSUANCE OF GUIDANCE REQUIRED.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall issue guidance to the military
10 departments and appropriate defense agencies re-
11 garding environmental exposures on military instal-
12 lations.

13 (2) ELEMENTS.—The guidance issued pursuant
14 to paragraph (1) shall address, at a minimum, the
15 following:

16 (A) The criteria for when and under what
17 circumstances public health assessments by the
18 Agency for Toxic Substances and Disease Reg-
19 istry must be requested in connection with envi-
20 ronmental contamination at military installa-
21 tions, including past incidents of environmental
22 contamination.

23 (B) The procedures to be used to track
24 and document the status and nature of re-
25 sponses to the findings and recommendations of
26 the public health assessments of the Agency of

1 Toxic Substances and Disease Registry that in-
2 volve contamination at military installations.

3 (C) The appropriate actions to be under-
4 taken to assess significant long-term health
5 risks from past environmental exposures to
6 military personnel and civilian individuals from
7 living or working on military installations.

8 (3) SUBMISSION.—Not later than 30 days after
9 the issuance of the guidance required by paragraph
10 (1), the Secretary of Defense shall transmit to the
11 congressional defense committees a copy of the guid-
12 ance.

13 (b) BRIEFING REQUIRED.—

14 (1) IN GENERAL.—Not later than 180 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense shall provide a briefing to the con-
17 gressional defense committees regarding materiel so-
18 lutions that would measure environmental exposures
19 to members of the Armed Forces while in contin-
20 gency operations.

21 (2) ELEMENTS.—The briefing required by
22 paragraph (1) shall include, at a minimum, the fol-
23 lowing:

24 (A) Relevant materiel solutions in develop-
25 ment or commercially available that would fa-

1 facilitate the identification of members of the
2 Armed Forces who have individual exposures to
3 environmental hazards, including burn pits,
4 dust or sand, hazardous materials, and waste.

5 (B) A timeline, and estimated cost, of de-
6 veloping and deploying the materiel solutions
7 described in subparagraph (A).

8 (C) Identification of the Department of
9 Defense's process, and any systems, that collect
10 and maintain exposure data and a description
11 of how the Department of Defense could inte-
12 grate data from the materiel solutions described
13 in subparagraph (A) into those systems.

14 (D) An update regarding the sharing of
15 environmental exposure data with the Secretary
16 of Veterans Affairs for use in medical and
17 treatment records of veterans, including how
18 the materiel solutions described in subpara-
19 graph (A) can be used in determining the serv-
20 ice-connectedness of health conditions and in
21 identifying possible origins and causes of dis-
22 ease.

1 **SEC. 314. REPORT ON STATUS OF TARGETS IN IMPLEMEN-**
2 **TATION PLAN FOR OPERATIONAL ENERGY**
3 **STRATEGY.**

4 (a) **REPORT REQUIRED.**—If the annual report for fis-
5 cal year 2011 required by section 2925(b) of title 10,
6 United States Code, is not submitted to the congressional
7 defense committees by December 31, 2012, the Secretary
8 of Defense shall submit, not later than June 30, 2013,
9 to the congressional defense committees a report on the
10 status of the targets established in the implementation
11 plan for the operational energy strategy established pursu-
12 ant to section 139b of such title, as contained in the docu-
13 ment entitled “Operational Energy Strategy: Implementa-
14 tion Plan, Department of Defense, March 2012”.

15 (b) **ELEMENTS OF REPORT.**—The report required by
16 subsection (a) shall describe, at a minimum, the following:

17 (1) The status of each of the targets listed in
18 the implementation plan.

19 (2) The steps being taken to meet the targets.

20 (3) The expected date of completion for each
21 target, if the date is different from the date indi-
22 cated in the implementation plan.

23 (4) The reason for any delays in meeting the
24 targets.

1 **SEC. 315. LIMITATION ON OBLIGATION OF DEPARTMENT**
2 **OF DEFENSE FUNDS FROM DEFENSE PRO-**
3 **DUCTION ACT OF 1950 FOR BIOFUEL REFIN-**
4 **ERY CONSTRUCTION.**

5 Amounts made available to the Department of De-
6 fense pursuant to the Defense Production Act of 1950 (50
7 U.S.C. App. 2061 et seq.) for fiscal year 2013 for biofuels
8 production may not be obligated or expended for the con-
9 struction of a biofuel refinery until the Department of De-
10 fense receives matching contributions from the Depart-
11 ment of Energy and equivalent contributions from the De-
12 partment of Agriculture for the same purpose.

13 **SEC. 316. SENSE OF CONGRESS ON PROTECTION OF DE-**
14 **PARTMENT OF DEFENSE AIRFIELDS, TRAIN-**
15 **ING AIRSPACE, AND AIR TRAINING ROUTES.**

16 It is the sense of Congress that—

17 (1) Department of Defense airfields, training
18 airspace, and air training routes are critical national
19 assets that must be protected from encroachment or
20 mission degradations to the maximum extent prac-
21 ticable;

22 (2) placement or emplacement of obstructions
23 near or on Department of Defense airfields, training
24 airspace, or air training routes has the potential of
25 increasing risk to military aircraft and personnel as
26 well as impacting training and readiness; and

1 (3) in the context of a Department of Defense
2 operational risk assessment and the Department of
3 Defense Siting Clearinghouse, the Department of
4 Defense should develop and promulgate comprehen-
5 sive guidance to assess the degree to which the po-
6 tential encroachment of a project significantly im-
7 pairs or degrades the capability of the Department
8 to conduct missions or maintain readiness to the ex-
9 tent of presenting an unacceptable risk to national
10 security with strong consideration given to the input
11 provided by the military services.

12 **Subtitle C—Logistics and** 13 **Sustainment**

14 **SEC. 321. EXPANSION AND REAUTHORIZATION OF MULTI-** 15 **TRADES DEMONSTRATION PROJECT.**

16 (a) EXPANSION.—Section 338 of the National De-
17 fense Authorization Act for Fiscal Year 2004 (Public Law
18 108–136; 10 U.S.C. 5013 note), as most recently amended
19 by section 329 of the National Defense Authorization Act
20 for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67),
21 is amended—

22 (1) by striking subsection (a) and inserting the
23 following new subsection:

24 “(a) DEMONSTRATION PROJECT AUTHORIZED.—In
25 accordance with subsection 4703 of title 5, United States

1 Code, the Secretary of a military department may carry
2 out a demonstration project at facilities described in sub-
3 section (b) under which workers who are certified at the
4 journey level as able to perform multiple trades shall be
5 promoted by one grade level.”; and

6 (2) in subsection (b), by striking “Logistics
7 Center, Navy Fleet Readiness Center,” and inserting
8 “Logistics Complex, Navy Fleet Readiness Center,
9 Navy shipyard, Marine Corps Logistics Base,”.

10 (b) REAUTHORIZATION.—Such section is further
11 amended—

12 (1) in subsection (d), by striking “2013” and
13 inserting “2018”; and

14 (2) in subsection (e), by striking “2014” and
15 inserting “2019”.

16 **SEC. 322. RESTORATION AND AMENDMENT OF CERTAIN**
17 **PROVISIONS RELATING TO DEPOT-LEVEL**
18 **MAINTENANCE AND CORE LOGISTICS CAPA-**
19 **BILITIES.**

20 (a) REPEAL.—The following provisions of law are
21 hereby repealed:

22 (1) Section 2460 of title 10, United States
23 Code (as amended by section 321 of the National
24 Defense Authorization Act for Fiscal Year 2012
25 (Public Law 112–81)).

1 (2) Section 2464 of title 10, United States
2 Code (as amended by section 327 of the National
3 Defense Authorization Act for Fiscal Year 2012).

4 (b) REVIVAL OF SUPERSEDED PROVISIONS.—

5 (1) DEFINITION OF DEPOT-LEVEL MAINTEN-
6 NANCE AND REPAIR.—The provisions of section
7 2460 of title 10, United States Code, as in effect on
8 December 30, 2011 (the day before the date of the
9 enactment of the National Defense Authorization
10 Act for Fiscal Year 2012), are hereby revived.

11 (2) CORE LOGISTICS CAPABILITIES.—(A) The
12 provisions of section 2464 of 10, United States
13 Code, as in effect on that date, are hereby revived.

14 (B) The table of sections at the beginning of
15 chapter 146 of such title is amended by striking the
16 item relating to section 2464 and inserting the fol-
17 lowing new item:

“2464. Core logistics capabilities.”.

18 (c) AMENDMENT TO DEFINITION OF DEPOT-LEVEL
19 MAINTENANCE AND REPAIR.—Subsection (b) of section
20 2460 of title 10, United States Code, as revived by sub-
21 section (b), is amended by striking “or the nuclear refuel-
22 ing of an aircraft carrier” and inserting “or the nuclear
23 refueling or defueling of an aircraft carrier and any con-
24 current complex overhaul”.

1 (d) BIENNIAL CORE REPORT.—Section 2464 of such
2 title, as revived by subsection (b), is amended by adding
3 at the end the following new subsections:

4 “(d) BIENNIAL CORE REPORT.—Not later than April
5 1 of each even-numbered year, the Secretary of Defense
6 shall submit to Congress a report identifying, for each of
7 the armed forces (except for the Coast Guard), for the
8 fiscal year after the fiscal year during which the report
9 is submitted, each of the following:

10 “(1) The core depot-level maintenance and re-
11 pair capability requirements and sustaining work-
12 loads, organized by work breakdown structure, ex-
13 pressed in direct labor hours.

14 “(2) The corresponding workloads necessary to
15 sustain core depot-level maintenance and repair ca-
16 pability requirements, expressed in direct labor
17 hours and cost.

18 “(3) In any case where core depot-level mainte-
19 nance and repair capability requirements exceed or
20 are expected to exceed sustaining workloads, a de-
21 tailed rationale for any and all shortfalls and a plan
22 either to correct or mitigate the effects of the short-
23 falls.

24 “(e) COMPTROLLER GENERAL REVIEW.—The Comp-
25 troller General of the United States shall review each re-

1 port submitted under subsection (d) for completeness and
2 compliance and shall submit to the congressional defense
3 committees findings and recommendations with respect to
4 the report by not later than 60 days after the date on
5 which the report is submitted to Congress.”.

6 (e) CONFORMING AMENDMENTS.—

7 (1) Section 2366a of title 10, United States
8 Code, is amended by striking “core depot-level main-
9 tenance and repair capabilities” each place it ap-
10 pears and inserting “core logistics capabilities”.

11 (2) Section 2366b(A)(3)(F) of title 10, United
12 States Code, is amended by striking “core depot-
13 level maintenance and repair capabilities, as well as
14 the associated logistics capabilities” and inserting
15 “core logistics capabilities”.

16 (3) Section 801(c) of the National Defense Au-
17 thorization Act for Fiscal Year 2012 (125 Stat.
18 1483; 10 U.S.C. 2366a note) is amended by striking
19 “core depot-level maintenance and repair capabili-
20 ties, as well as the associated logistics capabilities”
21 and inserting “core logistics capabilities”.

22 (f) EFFECTIVE DATE.—This section and the amend-
23 ments made by this section shall take effect on December
24 31, 2011, the date of the enactment of the National De-

1 fense Authorization Act for Fiscal Year 2012, immediately
2 after the enactment of that Act.

3 **SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MAN-**
4 **AGERS.**

5 The Secretary of the Air Force, in managing system
6 program management responsibilities for sustainment pro-
7 grams not assigned to a program executive officer or a
8 direct reporting program manager, shall comply with the
9 Department of Defense Instructions regarding assignment
10 of program responsibility.

11 **Subtitle D—Readiness**

12 **SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS**
13 **WITH STATE AND LOCAL GOVERNMENTS.**

14 (a) AGREEMENTS AUTHORIZED.—Chapter 137 of
15 title 10, United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 2336. Intergovernmental support agreements with**
18 **State and local governments**

19 “(a) IN GENERAL.—(1) The Secretary concerned
20 may enter into an intergovernmental support agreement
21 with a State or local government to provide, receive, or
22 share installation-support services if the Secretary deter-
23 mines that the agreement will serve the best interests of
24 the department by enhancing mission effectiveness or cre-

1 ating efficiencies or economies of scale, including by reduc-
2 ing costs.

3 “(2) Notwithstanding any other provision of law, an
4 intergovernmental support agreement under paragraph
5 (1)—

6 “(A) may be entered into on a sole-source basis;

7 “(B) may be for a term not to exceed five
8 years; and

9 “(C) may use, for installation-support services
10 provided by a State or local government, wage
11 grades normally paid by that State or local govern-
12 ment.

13 “(3) An intergovernmental support agreement under
14 paragraph (1) may only be used when the Secretary con-
15 cerned or the State or local government, as the case may
16 be, providing the installation-support services already pro-
17 vides such services for its own use.

18 “(b) EFFECT ON FIRST RESPONDER ARRANGE-
19 MENTS.—The authority provided by this section and limi-
20 tations on the use of that authority are not intended to
21 revoke, preclude, or otherwise interfere with existing or
22 proposed mutual-aid agreements relating to police or fire
23 protection services or other similar first responder agree-
24 ments or arrangements.

1 “(c) AVAILABILITY OF FUNDS.—Funds available to
2 the Secretary concerned for operation and maintenance
3 may be used to pay for such installation-support services.
4 The costs of agreements under this section for any fiscal
5 year may be paid using annual appropriations made avail-
6 able for that year. Funds received by the Secretary as re-
7 imbursement for providing installation-support services
8 pursuant to such an agreement shall be credited to the
9 appropriation or account charged with providing installa-
10 tion support.

11 “(d) EFFECT ON OMB CIRCULAR A-76.— The Sec-
12 retary concerned shall ensure that intergovernmental sup-
13 port agreements authorized by this section are not used
14 to circumvent the requirements of Office of Management
15 and Budget Circular A-76 regarding public-private com-
16 petitions.

17 “(e) DEFINITIONS.—In this section:

18 “(1) The term ‘installation-support services’
19 means those services, supplies, resources, and sup-
20 port typically provided by a local government for its
21 own needs and without regard to whether such serv-
22 ices, supplies, resources, and support are provided to
23 its residents generally, except that the term does not
24 include security guard or fire-fighting functions.

1 (2) in subsection (d)—

2 (A) by inserting “by the Secretary con-
3 cerned” after “submitted”; and

4 (B) by inserting “by the Secretary con-
5 cerned” after “used”; and

6 (3) in subsection (e)—

7 (A) in paragraph (1), by striking “the As-
8 sistant Secretary of the Army for Acquisition,
9 Logistics, and Technology, in consultation with
10 the Assistant Secretary of the Army for Finan-
11 cial Management and Comptroller,” and insert-
12 ing “the Secretary concerned”; and

13 (B) in paragraph (2), by striking “the As-
14 sistant Secretary of the Army for Acquisition,
15 Logistics, and Technology” and inserting “the
16 Secretary concerned”.

17 (b) COVERED PRODUCT IMPROVEMENTS.—Sub-
18 section (b) of such section is amended—

19 (1) by inserting “retrofit, modernization, up-
20 grade, or rebuild of a” before “component”; and

21 (2) by striking “reliability and maintainability”
22 and inserting “reliability, availability, and maintain-
23 ability”.

1 (c) LIMITATION ON CERTAIN PROJECTS.—Sub-
2 section (c)(1) of such section is amended by striking “per-
3 formance envelope” and inserting “capability”.

4 (d) REPORTING REQUIREMENT.—Subsection (e) of
5 such section is amended—

6 (1) in paragraph (2), by striking “2012” and
7 inserting “2017”; and

8 (2) in paragraph (3), by striking “60 days” and
9 inserting “45 days”.

10 (e) EXTENSION.—Subsection (f) of such section, as
11 amended by section 354 of the National Defense Author-
12 ization Act for Fiscal Year 2012 (Public Law 112–81; 125
13 Stat. 1377), is further amended by striking “2014” and
14 inserting “2018”.

15 (f) CLERICAL AMENDMENT.—The heading of such
16 section is amended by striking “**TO ARMY**”.

17 **SEC. 333. DEPARTMENT OF DEFENSE NATIONAL STRA-**
18 **TEGIC PORTS STUDY AND COMPTROLLER**
19 **GENERAL STUDIES AND REPORTS ON STRA-**
20 **TEGIC PORTS.**

21 (a) SENSE OF CONGRESS ON COMPLETION OF DOD
22 REPORT.—It is the sense of Congress that the Secretary
23 of Defense should expedite completion of the study of stra-
24 tegic ports in the United States called for in the con-
25 ference report to accompany the National Defense Author-

1 ization Act for Fiscal Year 2012 (Conference Report 112–
2 329) so that it can be submitted to Congress before De-
3 cember 31, 2012.

4 (b) COMPTROLLER GENERAL SUFFICIENCY RE-
5 VIEW.—

6 (1) SUBMISSION OF DOD REPORT.—In addition
7 to submitting the report referred to in subsection (a)
8 to Congress, the Secretary of Defense shall submit
9 the report to the Comptroller General of the United
10 States.

11 (2) SUFFICIENCY REVIEW.—Not later than 90
12 days after receiving the report under paragraph (1),
13 the Comptroller General shall—

14 (A) conduct a sufficiency review of the re-
15 port; and

16 (B) submit to the congressional defense
17 committees a report containing the results of
18 the review.

19 (c) COMPTROLLER GENERAL STUDY AND REPORT
20 ON STRATEGIC PORTS.—

21 (1) STUDY AND REPORT REQUIRED.—Not later
22 than 270 days after the date of the enactment of
23 this Act, the Comptroller General shall—

24 (A) conduct a study of the programs and
25 efforts of the Department of Defense related to

1 the state of strategic ports with respect to the
2 operational and readiness requirements of the
3 Department; and

4 (B) submit to the congressional defense
5 committees a report containing the findings of
6 the study.

7 (2) ELEMENTS OF STUDY.—The study required
8 by paragraph (1) shall include an assessment of—

9 (A) the extent to which the facilities at
10 strategic ports meet the requirements of the
11 Department of Defense;

12 (B) the extent to which the Department
13 has identified gaps in the ability of existing
14 strategic ports to meet its needs and identified
15 and undertaken efforts to address any gaps;
16 and

17 (C) the ability of the Department to over-
18 see, coordinate, and provide security for mili-
19 tary deployments through strategic ports.

20 (d) STRATEGIC PORT DEFINED.—In this section, the
21 term “strategic port” means a United States port des-
22 ignated by the Secretary of Defense as a significant trans-
23 portation hub important to the readiness and cargo
24 throughput capacity of the Department of Defense.

1 **Subtitle E—Reports**
2 **SEC. 341. ANNUAL REPORT ON DEPARTMENT OF DEFENSE**
3 **LONG-TERM CORROSION STRATEGY.**

4 Section 2228(e) of title 10, United States Code, is
5 amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (B), by inserting “,
8 including available validated data on return on
9 investment for completed corrosion projects and
10 activities” after “the strategy”;

11 (B) in subparagraph (E), by striking “For
12 the fiscal year covered by the report and the
13 preceding fiscal year” and inserting “For the
14 fiscal year preceding the fiscal year covered by
15 the report”; and

16 (C) by inserting at the end the following
17 new subparagraph:

18 “(F) For the fiscal year preceding the fiscal
19 year covered by the report, a description of the spe-
20 cific amount of funds used for military corrosion
21 projects, the Technical Corrosion Collaboration pilot
22 program, and other corrosion-related activities.”;

23 (2) by striking paragraph (2); and

24 (3) by redesignating paragraph (3) as para-
25 graph (2).

1 **SEC. 342. REPORT ON JOINT STRATEGY FOR READINESS**
2 **AND TRAINING IN A C4ISR-DENIED ENVIRON-**
3 **MENT.**

4 (a) REPORT REQUIRED.—Not later than one year
5 after the date of the enactment of this Act, the Secretary
6 of Defense, in consultation with the Chairman of the Joint
7 Chiefs of Staff, shall submit to Congress a report on the
8 readiness of the joint force to conduct operations in envi-
9 ronments where there is no access to Command, Control,
10 Communications, Computers, Intelligence, Surveillance,
11 and Reconnaissance (in this section referred to as
12 “C4ISR”) systems, including satellite communications,
13 classified Internet protocol-based networks, and the Global
14 Positioning System (in this section referred to as “GPS”).

15 (b) CONTENTS OF REPORT.—The report required by
16 subsection (a) shall include a description of the steps
17 taken and planned to be taken—

18 (1) to identify likely threats to the C4ISR sys-
19 tems of the United States, including both weapons
20 and those states with such capabilities as well as the
21 most likely areas in which C4ISR systems could be
22 at risk;

23 (2) to identify vulnerabilities to the C4ISR sys-
24 tems of the United States that could result in a
25 C4ISR-denied environment;

1 (3) to determine how the Armed Forces should
2 respond in order to reconstitute C4ISR systems, pre-
3 vent further denial of C4ISR systems, and develop
4 counter-attack capabilities;

5 (4) to determine which types of joint operations
6 could be feasible in an environment in which access
7 to C4ISR systems is restricted or denied;

8 (5) to conduct training and exercises for sus-
9 taining combat and logistics operations in C4ISR-de-
10 nied environments; and

11 (6) to propose changes to current tactics, tech-
12 niques, and procedures to prepare to operate in an
13 environment in which C4ISR systems are degraded
14 or denied for 48-hour, 7-day, 30-day, or 60-day peri-
15 ods.

16 (c) **JOINT EXERCISE PLAN REQUIRED.**—Based on
17 the findings of the report required by subsection (a), the
18 Chairman of the Joint Chiefs of Staff shall develop a road-
19 map and joint exercise plan for the joint force to operate
20 in an environment where access to C4ISR systems, includ-
21 ing satellite communications, classified Internet protocol-
22 based networks, and the GPS network, is denied. The plan
23 and joint exercise program shall include—

24 (1) the development of alternatives to satellite
25 communications, classified Internet protocol-based

1 networks, and GPS for logistics, intelligence, surveil-
2 lance, reconnaissance, and combat operations; and

3 (2) methods to mitigate dependency on satellite
4 communications, classified Internet protocol-based
5 networks, and GPS;

6 (3) methods to protect vulnerable satellite com-
7 munications, classified Internet protocol-based net-
8 works, and GPS; and

9 (4) a joint exercise and training plan to include
10 fleet battle experiments, to enable the force to oper-
11 ate in a satellite communications, Internet protocol-
12 based network, and GPS-denied environment.

13 (d) FORM OF REPORT.—The report required to be
14 submitted by subsection (a) shall be submitted in unclassi-
15 fied form, but may include a classified annex.

16 **SEC. 343. COMPTROLLER GENERAL REVIEW OF ANNUAL**
17 **DEPARTMENT OF DEFENSE REPORT ON**
18 **PREPOSITIONED MATERIEL AND EQUIP-**
19 **MENT.**

20 Section 2229a(b)(1) of title 10, United States Code,
21 is amended—

22 (1) by striking “By not later than 120 days
23 after the date on which a report is submitted under
24 subsection (a), the” and inserting “The”; and

1 (2) by striking “the report” and inserting “each
2 report submitted under subsection (a)”.

3 **SEC. 344. MODIFICATION OF REPORT ON MAINTENANCE**
4 **AND REPAIR OF VESSELS IN FOREIGN SHIP-**
5 **YARDS.**

6 Section 7310(c) of title 10, United States Code, is
7 amended—

8 (1) in paragraph (3)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “The report” and inserting the
11 following: “Except as provided in paragraph
12 (4), the report”; and

13 (B) in subparagraph (A), by inserting after
14 “justification under law” the following: “and
15 operational justification”;

16 (2) by redesignating paragraph (4) as para-
17 graph (5);

18 (3) by inserting after paragraph (3) the fol-
19 lowing new paragraph (4):

20 “(4) In the case of a covered vessel described
21 in subparagraph (C) of paragraph (5), the report
22 shall not be required to include the information de-
23 scribed in subparagraphs (A), (E), (F), (G), and (I)
24 of paragraph (3).”; and

1 (4) in paragraph (5), as redesignated by para-
2 graph (2) of this section, by adding at the end the
3 following new subparagraph:

4 “(C) A vessel not described in subparagraph
5 (A) or (B) that is operated pursuant to a contract
6 entered into by the Secretary of the Navy and the
7 Maritime Administration or the United States
8 Transportation Command in support of Department
9 of Defense operations.”.

10 **SEC. 345. EXTENSION OF DEADLINE FOR COMPTROLLER**

11 **GENERAL REPORT ON DEPARTMENT OF DE-**

12 **FENSE SERVICE CONTRACT INVENTORY.**

13 Section 803(c) of the National Defense Authorization
14 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
15 2402) is amended by striking “180 days” and inserting
16 “270 days”.

17 **Subtitle F—Limitations and**
18 **Extension of Authority**

19 **SEC. 351. REPEAL OF REDUNDANT AUTHORITY TO ENSURE**

20 **INTEROPERABILITY OF LAW ENFORCEMENT**

21 **AND EMERGENCY RESPONDER TRAINING.**

22 Section 372 of title 10, United States Code, is
23 amended—

24 (1) by striking “(a) IN GENERAL.—”; and

25 (2) by striking subsection (b).

1 **SEC. 352. AEROSPACE CONTROL ALERT MISSION.**

2 (a) CONSOLIDATED BUDGET EXHIBIT.—The Sec-
3 retary of Defense shall establish a consolidated budget jus-
4 tification display that fully identifies the baseline aero-
5 space control alert budget for each of the military services
6 and encompasses all programs and activities of the aero-
7 space control alert mission for each of the following func-
8 tions:

- 9 (1) Procurement.
- 10 (2) Operation and maintenance.
- 11 (3) Research, development, testing, and evalua-
12 tion.
- 13 (4) Military construction.

14 (b) REPORT.—

15 (1) REPORT TO CONGRESS.—Not later than
16 April 1, 2013, the Secretary of Defense shall submit
17 to the congressional defense committees a report
18 that provides a cost-benefit analysis and risk-based
19 assessment of the aerospace control alert mission as
20 it relates to expected future changes to the budget
21 and force structure of such mission.

22 (2) COMPTROLLER GENERAL REVIEW.—Not
23 later than 120 days after the date on which the Sec-
24 retary submits the report required by paragraph (1),
25 the Comptroller General of the United States shall—

1 (A) conduct a review of the Department of
2 Defense cost-benefit analysis and risk-based as-
3 sessment contained in the report; and

4 (B) submit to the congressional defense
5 committees a report on the findings of such re-
6 view.

7 (c) SENSE OF CONGRESS ON THE ESSENTIAL SERV-
8 ICE PROVIDED BY AIR FORCE WINGS PERFORMING
9 AEROSPACE CONTROL ALERT MISSIONS.—It is the sense
10 of Congress that Air Force wings performing the 24-hour
11 aerospace control alert missions provide an essential serv-
12 ice in defending the sovereign airspace of the United
13 States in the aftermath of the terrorist attacks upon the
14 United States on September 11, 2001.

15 **SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIA-**
16 **TIONS FOR THE NATIONAL MUSEUM OF THE**
17 **UNITED STATES ARMY.**

18 Of the amounts authorized to be appropriated for Op-
19 eration and Maintenance for fiscal year 2013, not more
20 than \$5,000,000 shall be made available for the National
21 Museum of the United States Army until the Secretary
22 of the Army submits to the congressional defense commit-
23 tees certification in writing that sufficient private funding
24 has been raised to fund the construction of the portion
25 of the museum known as the “Baseline Museum” and that

1 at least 50 percent of the Baseline Museum has been com-
2 pleted.

3 **SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
4 **TIREMENT OR INACTIVATION OF TICON-**
5 **DEROGA CLASS CRUISERS OR DOCK LAND-**
6 **ING SHIPS.**

7 None of the funds authorized to be appropriated by
8 this Act or otherwise made available for fiscal year 2013
9 for the Department of Defense may be obligated or ex-
10 pended to retire, prepare to retire, inactivate, or place in
11 storage a cruiser or dock landing ship.

12 **SEC. 355. RENEWAL OF EXPIRED PROHIBITION ON RETURN**
13 **OF VETERANS MEMORIAL OBJECTS WITHOUT**
14 **SPECIFIC AUTHORIZATION IN LAW.**

15 (a) CODIFICATION OF PROHIBITION.—Section 2572
16 of title 10, United States Code, is amended by adding at
17 the end the following new subsection:

18 “(e)(1) Except as provided in paragraph (3), and not-
19 withstanding this section or any other provision of law,
20 the President may not transfer a veterans memorial object
21 to a foreign country or an entity controlled by a foreign
22 government, or otherwise transfer or convey such an ob-
23 ject to any person or entity for purposes of the ultimate
24 transfer or conveyance of the object to a foreign country
25 or entity controlled by a foreign government.

1 “(2) In this subsection:

2 “(A) The term ‘entity controlled by a foreign
3 government’ has the meaning given that term in sec-
4 tion 2536(c)(1) of this title.

5 “(B) The term ‘veterans memorial object’
6 means any object, including a physical structure or
7 portion thereof, that—

8 “(i) is located at a cemetery of the Na-
9 tional Cemetery System, war memorial, or mili-
10 tary installation in the United States;

11 “(ii) is dedicated to, or otherwise memori-
12 alizes, the death in combat or combat-related
13 duties of members of the armed forces; and

14 “(iii) was brought to the United States
15 from abroad as a memorial of combat abroad.

16 “(3) The prohibition imposed by paragraph (1) does
17 not apply to a transfer of a veterans memorial object if—

18 “(A) the transfer of that veterans memorial ob-
19 ject is specifically authorized by law; or

20 “(B) the transfer is made after September 30,
21 2017.”.

22 (b) REPEAL OF OBSOLETE SOURCE LAW.—Section
23 1051 of the National Defense Authorization Act for Fiscal
24 Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is
25 repealed.

1 **Subtitle G—National Commission**
2 **on the Structure of the Air Force**

3 **SEC. 361. SHORT TITLE.**

4 This subtitle may be cited as the “National Commis-
5 sion on the Structure of the Air Force Act of 2012”.

6 **SEC. 362. ESTABLISHMENT OF COMMISSION.**

7 (a) ESTABLISHMENT.—There is established the Na-
8 tional Commission on the Structure of the Air Force (in
9 this subtitle referred to as the “Commission”).

10 (b) MEMBERSHIP.—

11 (1) COMPOSITION.—The Commission shall be
12 composed of eight members, of whom—

13 (A) four shall be appointed by the Presi-
14 dent;

15 (B) one shall be appointed by the Chair-
16 man of the Committee on Armed Services of
17 the Senate;

18 (C) one shall be appointed by the Ranking
19 Member of the Committee on Armed Services of
20 the Senate;

21 (D) one shall be appointed by the Chair-
22 man of the Committee on Armed Services of
23 the House of Representatives; and

1 (E) one shall be appointed by the Ranking
2 Member of the Committee on Armed Services of
3 the House of Representatives.

4 (2) APPOINTMENT DATE.—The appointments of
5 the members of the Commission shall be made not
6 later than 90 days after the date of the enactment
7 of this Act.

8 (3) EFFECT OF LACK OF APPOINTMENT BY AP-
9 POINTMENT DATE.—If one or more appointments
10 under subparagraph (A) of paragraph (1) is not
11 made by the appointment date specified in para-
12 graph (2), the authority to make such appointment
13 or appointments shall expire, and the number of
14 members of the Commission shall be reduced by the
15 number equal to the number of appointments so not
16 made. If an appointment under subparagraph (B),
17 (C), (D), or (E) of paragraph (1) is not made by the
18 appointment date specified in paragraph (2), the au-
19 thority to make an appointment under such subpara-
20 graph shall expire, and the number of members of
21 the Commission shall be reduced by the number
22 equal to the number otherwise appointable under
23 such subparagraph.

1 (4) EXPERTISE.—In making appointments
2 under this subsection, consideration should be given
3 to individuals with expertise in reserve forces policy.

4 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
5 bers shall be appointed for the life of the Commission. Any
6 vacancy in the Commission shall not affect its powers, but
7 shall be filled in the same manner as the original appoint-
8 ment.

9 (d) INITIAL MEETING.—Not later than 30 days after
10 the date on which all members of the Commission have
11 been appointed, the Commission shall hold its first meet-
12 ing.

13 (e) MEETINGS.—The Commission shall meet at the
14 call of the Chair.

15 (f) QUORUM.—A majority of the members of the
16 Commission shall constitute a quorum, but a lesser num-
17 ber of members may hold hearings.

18 (g) CHAIR AND VICE CHAIRMAN.—The Commission
19 shall select a Chair and Vice Chair from among its mem-
20 bers.

21 **SEC. 363. DUTIES OF THE COMMISSION.**

22 (a) STUDY.—

23 (1) IN GENERAL.—The Commission shall un-
24 dertake a comprehensive study of the structure of
25 the Air Force to determine whether, and how, the

1 structure should be modified to best fulfill current
2 and anticipated mission requirements for the Air
3 Force in a manner consistent with available re-
4 sources.

5 (2) CONSIDERATIONS.—In considering the
6 structure of the Air Force, the Commission shall
7 give particular consideration to evaluating a struc-
8 ture that—

9 (A) meets current and anticipated require-
10 ments of the combatant commands;

11 (B) achieves an appropriate balance be-
12 tween the regular and reserve components of
13 the Air Force, taking advantage of the unique
14 strengths and capabilities of each;

15 (C) ensures that the regular and reserve
16 components of the Air Force have the capacity
17 needed to support current and anticipated
18 homeland defense and disaster assistance mis-
19 sions in the United States;

20 (D) provides for sufficient numbers of reg-
21 ular members of the Air Force to provide a
22 base of trained personnel from which the per-
23 sonnel of the reserve components of the Air
24 Force could be recruited;

1 (E) maintains a peacetime rotation force
2 to support operational tempo goals of 1:2 for
3 regular members of the Air Forces and 1:5 for
4 members of the reserve components of the Air
5 Force; and

6 (F) maximizes and appropriately balances
7 affordability, efficiency, effectiveness, capability,
8 and readiness.

9 (b) REPORT.—Not later than February 1, 2014, the
10 Commission shall submit to the President and the con-
11 gressional defense committees a report which shall contain
12 a detailed statement of the findings and conclusions of the
13 Commission as a result of the study required by subsection
14 (a), together with its recommendations for such legislation
15 and administrative actions it may consider appropriate in
16 light of the results of the study.

17 **SEC. 364. POWERS OF THE COMMISSION.**

18 (a) HEARINGS.—The Commission may hold such
19 hearings, sit and act at such times and places, take such
20 testimony, and receive such evidence as the Commission
21 considers advisable to carry out this subtitle.

22 (b) INFORMATION FROM FEDERAL AGENCIES.—The
23 Commission may secure directly from any Federal depart-
24 ment or agency such information as the Commission con-
25 siders necessary to carry out this subtitle. Upon request

1 of the Chair of the Commission, the head of such depart-
2 ment or agency shall furnish such information to the Com-
3 mission.

4 (c) **POSTAL SERVICES.**—The Commission may use
5 the United States mails in the same manner and under
6 the same conditions as other departments and agencies of
7 the Federal Government.

8 (d) **GIFTS.**—The Commission may accept, use, and
9 dispose of gifts or donations of services or property.

10 **SEC. 365. COMMISSION PERSONNEL MATTERS.**

11 (a) **COMPENSATION OF MEMBERS.**—Each member of
12 the Commission who is not an officer or employee of the
13 Federal Government shall be compensated at a rate equal
14 to the daily equivalent of the annual rate of basic pay pre-
15 scribed for level IV of the Executive Schedule under sec-
16 tion 5315 of title 5, United States Code, for each day (in-
17 cluding travel time) during which such member is engaged
18 in the performance of the duties of the Commission. All
19 members of the Commission who are officers or employees
20 of the United States shall serve without compensation in
21 addition to that received for their services as officers or
22 employees of the United States.

23 (b) **TRAVEL EXPENSES.**—The members of the Com-
24 mission shall be allowed travel expenses, including per
25 diem in lieu of subsistence, at rates authorized for employ-

1 ees of agencies under subchapter I of chapter 57 of title
2 5, United States Code, while away from their homes or
3 regular places of business in the performance of services
4 for the Commission.

5 (c) STAFF.—

6 (1) IN GENERAL.—The Chair of the Commis-
7 sion may, without regard to the civil service laws
8 and regulations, appoint and terminate an executive
9 director and such other additional personnel as may
10 be necessary to enable the Commission to perform
11 its duties. The employment of an executive director
12 shall be subject to confirmation by the Commission.

13 (2) COMPENSATION.—The Chair of the Com-
14 mission may fix the compensation of the executive
15 director and other personnel without regard to chap-
16 ter 51 and subchapter III of chapter 53 of title 5,
17 United States Code, relating to classification of posi-
18 tions and General Schedule pay rates, except that
19 the rate of pay for the executive director and other
20 personnel may not exceed the rate payable for level
21 V of the Executive Schedule under section 5316 of
22 such title.

23 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
24 Federal Government employee may be detailed to the
25 Commission without reimbursement, and such detail shall

1 be without interruption or loss of civil service status or
2 privilege.

3 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
4 TENT SERVICES.—The Chair of the Commission may pro-
5 cure temporary and intermittent services under section
6 3109(b) of title 5, United States Code, at rates for individ-
7 uals which do not exceed the daily equivalent of the annual
8 rate of basic pay prescribed for level V of the Executive
9 Schedule under section 5316 of such title.

10 **SEC. 366. TERMINATION OF THE COMMISSION.**

11 The Commission shall terminate 90 days after the
12 date on which the Commission submits its report under
13 section 363.

14 **SEC. 367. FUNDING.**

15 Amounts authorized to be appropriated for fiscal year
16 2013 and available for operation and maintenance for the
17 Air Force as specified in the funding table in section 4301
18 may be available for the activities of the Commission
19 under this subtitle.

20 **Subtitle H—Other Matters**

21 **SEC. 371. MILITARY WORKING DOG MATTERS.**

22 (a) RETIREMENT OF MILITARY WORKING DOGS.—
23 Section 2583 of title 10, United States Code, is amend-
24 ed—

1 (1) by redesignating subsections (f) and (g) as
2 subsections (g) and (h), respectively; and

3 (2) by inserting after subsection (e) the fol-
4 lowing new subsection (f):

5 “(f) TRANSFER OF RETIRED MILITARY WORKING
6 DOGS.—If the Secretary of the military department con-
7 cerned determines that a military working dog should be
8 retired, and no suitable adoption is available at the mili-
9 tary facility where the dog is located, the Secretary may
10 transfer the dog—

11 “(1) to the 341st Training Squadron; or

12 “(2) to another location for adoption under this
13 section.”.

14 (b) VETERINARY CARE FOR RETIRED MILITARY
15 WORKING DOGS.—

16 (1) IN GENERAL.—Chapter 50 of title 10,
17 United States Code, is amended by adding at the
18 end the following new section:

19 **“§ 994. Military working dogs: veterinary care for re-**
20 **tired military working dogs**

21 “(a) IN GENERAL.—The Secretary of Defense may
22 establish and maintain a system to provide for the veteri-
23 nary care of retired military working dogs. No funds may
24 be provided by the Federal Government for this purpose.

1 “(b) ELIGIBLE DOGS.—A retired military working
2 dog eligible for veterinary care under this section is any
3 military working dog adopted under section 2583 of this
4 title.

5 “(c) STANDARDS OF CARE.—The veterinary care pro-
6 vided under the system authorized by this section shall
7 meet such standards as the Secretary shall establish and
8 from time to time update.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 50 of such title is
11 amended by adding at the end the following new
12 item:

“994. Military working dogs: veterinary care for retired military working dogs.”.

13 **SEC. 372. COMPTROLLER GENERAL REVIEW OF HANDLING,**
14 **LABELING, AND PACKAGING PROCEDURES**
15 **FOR HAZARDOUS MATERIAL SHIPMENTS.**

16 (a) COMPTROLLER GENERAL REVIEW.—The Comp-
17 troller General of the United States shall conduct a review
18 of the policies and procedures of the Department of De-
19 fense for the handling, labeling, and packaging of haz-
20 ardous material shipments.

21 (b) MATTERS INCLUDED.—The review conducted
22 under subsection (a) shall address the following:

23 (1) The relevant statutes, regulations, and guid-
24 ance and policies of the Department of Defense per-
25 taining to the handling, labeling, and packaging pro-

1 cedures of hazardous material shipments to support
2 military operations.

3 (2) The extent to which such guidance, policies,
4 and procedures contribute to the safe, timely, and
5 cost-effective handling of such material.

6 (3) The extent to which discrepancies in De-
7 partment of Transportation guidance, policies, and
8 procedures pertaining to handling, labeling, and
9 packaging of hazardous material shipments in com-
10 merce and similar Department of Defense guidance,
11 policies, and procedures pertaining to the handling,
12 labeling, and packaging of hazardous material ship-
13 ments impact the safe, timely, and cost-effective
14 handling of such material.

15 (4) Any additional matters that the Comptroller
16 General determines will further inform the appro-
17 priate congressional committees on issues related to
18 the handling, labeling, and packaging procedures for
19 hazardous material shipments to members of the
20 Armed Forces worldwide.

21 (c) REPORT.—Not later than one year after the date
22 of the enactment of this Act, the Comptroller General shall
23 submit to the appropriate congressional committees a re-
24 port of the review conducted under subsection (a).

1 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-
3 mittees” means the following:

4 (1) The congressional defense committees.

5 (2) The Committee on Transportation and In-
6 frastructure of the House of Representatives and the
7 Committee on Commerce, Science, and Transpor-
8 tation of the Senate.

9 **TITLE IV—MILITARY**
10 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Sec. 403. Annual limitation on end strength reductions for regular component
of the Army and Marine Corps.

Sec. 404. Additional Marine Corps personnel for the Marine Corps Security
Guard Program.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active
duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

11 **Subtitle A—Active Forces**

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

13 The Armed Forces are authorized strengths for active
14 duty personnel as of September 30, 2013, as follows:

15 (1) The Army, 552,100.

16 (2) The Navy, 322,700.

1 (3) The Marine Corps, 197,300.

2 (4) The Air Force, 329,460.

3 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
4 **STRENGTH MINIMUM LEVELS.**

5 (a) MINIMUM END STRENGTH.—Subsection (b) of
6 section 691 of title 10, United States Code, is amended
7 by striking paragraphs (1) through (4) and inserting the
8 following new paragraphs:

9 “(1) For the Army, 542,700.

10 “(2) For the Navy, 322,700.

11 “(3) For the Marine Corps, 193,500.

12 “(4) For the Air Force, 329,460.”.

13 (b) LIMITED REDUCTION AUTHORITY.—Such section
14 is further amended by inserting after subsection (d) the
15 following new subsection:

16 “(e) The Secretary of Defense may reduce a number
17 specified in subsection (b) by not more than 0.5 percent.”.

18 **SEC. 403. ANNUAL LIMITATION ON END STRENGTH REDUC-**
19 **TIONS FOR REGULAR COMPONENT OF THE**
20 **ARMY AND MARINE CORPS.**

21 (a) ANNUAL LIMITATION ON ARMY END STRENGTH
22 REDUCTIONS.—The end strength of the regular compo-
23 nent of the Army shall not be reduced by more than
24 15,000 members during each of fiscal years 2014 through

1 2017 from the end strength of the regular component of
2 the Army at the end of the preceding fiscal year.

3 (b) ANNUAL LIMITATION ON MARINE CORPS END
4 STRENGTH REDUCTIONS.—The end strength of the reg-
5 ular component of the Marine Corps shall not be reduced
6 by more than 5,000 members during each of fiscal years
7 2014 through 2017 from the end strength of the regular
8 component of the Marine Corps at the end of the pre-
9 ceding fiscal year.

10 **SEC. 404. ADDITIONAL MARINE CORPS PERSONNEL FOR**
11 **THE MARINE CORPS SECURITY GUARD PRO-**
12 **GRAM.**

13 (a) ADDITIONAL PERSONNEL.—

14 (1) IN GENERAL.—The Secretary of Defense
15 shall develop and implement a plan to increase the
16 number of members of the Marine Corps assigned to
17 the Marine Corps Embassy Security Group at
18 Quantico, Virginia, and Marine Security Group Re-
19 gional Commands and Marine Security Group de-
20 tachments at United States embassies, consulates,
21 and other diplomatic facilities by up to 1,000 Ma-
22 rines.

23 (2) PURPOSE.—The purpose of the increase
24 under paragraph (1) is to provide the additional end
25 strength and the resources necessary to support en-

1 hanced Marine Corps security at United States em-
2 bassies, consulates, and other diplomatic facilities,
3 particularly at locations identified by the Secretary
4 of State as in need of additional security because of
5 threats to United States personnel and property.

6 (b) CONSULTATION.—The Secretary of Defense shall
7 develop and implement the plan required by subsection (a)
8 in consultation with the Secretary of State pursuant to
9 the responsibility of the Secretary of State for diplomatic
10 security under section 103 of the Diplomatic Security Act
11 (22 U.S.C. 4802), and in accordance with any current
12 memorandum of understanding between the Department
13 of State and the Marine Corps on the operational and ad-
14 ministrative supervision of the Marine Corps Security
15 Guard Program.

16 (c) SUPPORTING INFORMATION FOR BUDGET RE-
17 QUESTS.—The material submitted in support of the budg-
18 et of the President for each fiscal year after fiscal year
19 2013, as submitted to Congress pursuant to section
20 1105(a) of title 31, United States Code, shall include the
21 following with regard to the Marine Corps Security Guard
22 Program:

23 (1) A description of the expanded security sup-
24 port to be provided by Marine Corps Security

1 Guards to the Department of State during that fis-
2 cal year, including—

3 (A) any increased internal security to be
4 provided at United States embassies, con-
5 sulates, and other diplomatic facilities;

6 (B) any increased support for emergency
7 action planning, training, and advising of host
8 nation security forces; and

9 (C) any expansion of intelligence collection
10 activities.

11 (2) A description of the current status of Ma-
12 rine Corps personnel assigned to the Marine Corps
13 Security Guard Program as a result of the plan re-
14 quired by subsection (a).

15 (3) A description of the Department of Defense
16 resources required during that fiscal year for the
17 Marine Corps Security Guard Program, including
18 total funding for personnel, operation and mainte-
19 nance, and procurement, and for key supporting pro-
20 grams to enable both the current and expanded Pro-
21 gram mission during that fiscal year.

22 (d) PRESERVATION OF FUNDING FOR MARINE CORPS
23 UNDER NATIONAL MILITARY STRATEGY.—In determining
24 the amounts to be requested for each fiscal year after fis-
25 cal year 2013 for the Marine Corps Security Guard Pro-

1 gram and for additional personnel under the Program, the
2 President shall ensure that amounts requested for the Ma-
3 rine Corps for that fiscal year do not degrade the readi-
4 ness of the Marine Corps to fulfill the requirements of the
5 National Military Strategy prescribed by the Chairman of
6 the Joint Chiefs of Staff.

7 (e) REPORTING REQUIREMENTS.—

8 (1) MISSION ASSESSMENT.—Not later than Oc-
9 tober 1, 2013, the Secretary of Defense shall—

10 (A) conduct an assessment of the mission
11 of the Marine Corps Security Guard Program
12 and the procedural rules of engagement under
13 the Program, in light of current and emerging
14 threats to United States diplomatic personnel;
15 and

16 (B) submit to Congress a report on the as-
17 sessment, including a description and assess-
18 ment of options to improve the Program to re-
19 spond to such threats.

20 (2) NOTIFICATION OF CHANGES IN SCOPE OF
21 PROGRAM IN RESPONSE TO CHANGING THREATS.—If
22 the President determines that a modification (wheth-
23 er an increase or a decrease) in the scope of the Ma-
24 rine Corps Security Guard Program is necessary or
25 advisable in light of any change in the nature of

1 threats to United States embassies, consulates, and
2 other diplomatic facilities abroad, the President
3 shall—

4 (A) notify Congress of such modification
5 and the change in the nature of threats prompt-
6 ing such modification; and

7 (B) take such modification into account in
8 requesting an end strength and funds for the
9 Program for any fiscal year in which such
10 modification is in effect.

11 **Subtitle B—Reserve Forces**

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

13 (a) IN GENERAL.—The Armed Forces are authorized
14 strengths for Selected Reserve personnel of the reserve
15 components as of September 30, 2013, as follows:

16 (1) **The Army National Guard of the United**
17 **States, 358,200.**

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

19 (3) The Navy Reserve, 62,500.

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

21 (5) **The Air National Guard of the United**
22 **States, 105,700.**

23 (6) The Air Force Reserve, 70,880.

24 (7) The Coast Guard Reserve, 9,000.

1 (b) END STRENGTH REDUCTIONS.—The end
2 strengths prescribed by subsection (a) for the Selected Re-
3 serve of any reserve component shall be proportionately
4 reduced by—

5 (1) the total authorized strength of units orga-
6 nized to serve as units of the Selected Reserve of
7 such component which are on active duty (other
8 than for training) at the end of the fiscal year; and
9 (2) the total number of individual members not
10 in units organized to serve as units of the Selected
11 Reserve of such component who are on active duty
12 (other than for training or for unsatisfactory partici-
13 pation in training) without their consent at the end
14 of the fiscal year.

15 (c) END STRENGTH INCREASES.—Whenever units or
16 individual members of the Selected Reserve of any reserve
17 component are released from active duty during any fiscal
18 year, the end strength prescribed for such fiscal year for
19 the Selected Reserve of such reserve component shall be
20 increased proportionately by the total authorized strengths
21 of such units and by the total number of such individual
22 members.

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**

2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section
4 411(a), the reserve components of the Armed Forces are
5 authorized, as of September 30, 2013, the following num-
6 ber of Reserves to be serving on full-time active duty or
7 full-time duty, in the case of members of the National
8 Guard, for the purpose of organizing, administering, re-
9 cruiting, instructing, or training the reserve components:

10 (1) **The Army National Guard of the United**
11 **States, 32,060.**

12 (2) The Army Reserve, 16,277.

13 (3) The Navy Reserve, 10,114.

14 (4) The Marine Corps Reserve, 2,261.

15 (5) **The Air National Guard of the United**
16 **States, 14,765.**

17 (6) The Air Force Reserve, 2,888.

18 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**

19 **(DUAL STATUS).**

20 The minimum number of military technicians (dual
21 status) as of the last day of fiscal year 2013 for the re-
22 serve components of the Army and the Air Force (notwith-
23 standing section 129 of title 10, United States Code) shall
24 be the following:

25 (1) **For the Army National Guard of the United**
26 **States, 27,210.**

1 (2) For the Army Reserve, 8,395.

2 (3) For the Air National Guard of the United
3 States, 22,180.

4 (4) For the Air Force Reserve, 10,400.

5 **SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF**
6 **NON-DUAL STATUS TECHNICIANS.**

7 (a) LIMITATIONS.—

8 (1) NATIONAL GUARD.—Within the limitation
9 provided in section 10217(c)(2) of title 10, United
10 States Code, the number of non-dual status techni-
11 cians employed by the National Guard as of Sep-
12 tember 30, 2013, may not exceed the following:

13 (A) For the Army National Guard of the
14 United States, 1,600.

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

17 (2) ARMY RESERVE.—The number of non-dual
18 status technicians employed by the Army Reserve as
19 of September 30, 2013, may not exceed 595.

20 (3) AIR FORCE RESERVE.—The number of non-
21 dual status technicians employed by the Air Force
22 Reserve as of September 30, 2013, may not exceed
23 90.

24 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In
25 this section, the term “non-dual status technician” has the

1 meaning given that term in section 10217(a) of title 10,
2 United States Code.

3 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
4 **THORIZED TO BE ON ACTIVE DUTY FOR**
5 **OPERATIONAL SUPPORT.**

6 During fiscal year 2013, the maximum number of
7 members of the reserve components of the Armed Forces
8 who may be serving at any time on full-time operational
9 support duty under section 115(b) of title 10, United
10 States Code, is the following:

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

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

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

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

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

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

19 **Subtitle C—Authorization of**
20 **Appropriations**

21 **SEC. 421. MILITARY PERSONNEL.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
23 are hereby authorized to be appropriated for fiscal year
24 2013 for the use of the Armed Forces and other activities
25 and agencies of the Department of Defense for expenses,

1 not otherwise provided for, for military personnel, as spec-
2 ified in the funding table in section 4401.

3 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
4 thorization of appropriations in subsection (a) supersedes
5 any other authorization of appropriations (definite or in-
6 definite) for such purpose for fiscal year 2013.

7 **TITLE V—MILITARY PERSONNEL** 8 **POLICY**

Subtitle A—Officer Personnel Policy Generally

- Sec. 501. Limitation on number of Navy flag officers on active duty.
- Sec. 502. Reinstatement of authority for enhanced selective early retirement boards and early discharges.
- Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 504. Exception to required retirement after 30 years of service for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
- Sec. 505. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.
- Sec. 506. Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy.
- Sec. 507. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.
- Sec. 508. Air Force Chief of Chaplains.

Subtitle B—Reserve Component Management

- Sec. 511. Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters.
- Sec. 512. Automatic Federal recognition of promotion of certain National Guard warrant officers.
- Sec. 513. Availability of Transition Assistance Advisors to assist members of reserve components who serve on active duty for more than 180 consecutive days.

Subtitle C—General Service Authorities

- Sec. 518. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.
- Sec. 519. Diversity in the Armed Forces and related reporting requirements.
- Sec. 520. Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.

- Sec. 521. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.
- Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
- Sec. 523. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.
- Sec. 524. Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers.
- Sec. 525. Reports on involuntary separation of members of the Armed Forces.
- Sec. 526. Report on feasibility of developing gender-neutral occupational standards for military occupational specialties currently closed to women.
- Sec. 527. Report on education and training and promotion rates for pilots of remotely piloted aircraft.
- Sec. 528. Impact of numbers of members within the Integrated Disability Evaluation System on readiness of Armed Forces to meet mission requirements.

Subtitle D—Military Justice and Legal Matters

- Sec. 531. Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 532. Additional information in reports on annual surveys of the Committee on the Uniform Code of Military Justice.
- Sec. 533. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.
- Sec. 534. Reports on hazing in the Armed Forces.

Subtitle E—Member Education and Training Opportunities and Administration

- Sec. 541. Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and enhancements to the Program.
- Sec. 542. Support of Naval Academy athletic and physical fitness programs.
- Sec. 543. Expansion of Department of Defense pilot program on receipt of civilian credentialing for military occupational specialty skills.
- Sec. 544. State consideration of military training in granting certain State certifications and licenses as a condition on the receipt of funds for veterans employment and training.
- Sec. 545. Department of Defense review of access to military installations by representatives of institutions of higher education.
- Sec. 546. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.
- Sec. 547. Comptroller General of the United States reports on joint professional military education matters.

Subtitle F—Reserve Officers' Training Corps and Related Matters

- Sec. 551. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program.
- Sec. 552. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior Reserve Officers' Training Corps.

Sec. 553. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps.

Sec. 554. Comptroller General report on Reserve Officers' Training Corps programs.

Subtitle G—Defense Dependents' Education and Military Family Readiness

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 562. Impact aid for children with severe disabilities.

Sec. 563. Amendments to the Impact Aid program.

Sec. 564. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense committed by an individual while a member of the Armed Forces.

Sec. 565. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.

Sec. 566. Noncompetitive appointment authority regarding certain military spouses.

Sec. 567. Report on future of family support programs of the Department of Defense.

Sec. 568. Sense of Congress regarding support for Yellow Ribbon Day.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

Sec. 570. Armed Forces Workplace and Gender Relations Surveys.

Sec. 571. Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty.

Sec. 572. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.

Sec. 573. Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses.

Sec. 574. Enhancement to training and education for sexual assault prevention and response.

Sec. 575. Modification of annual Department of Defense reporting requirements regarding sexual assaults.

Sec. 576. Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases.

Sec. 577. Retention of certain forms in connection with Restricted Reports on sexual assault at request of the member of the Armed Forces making the report.

Sec. 578. General or flag officer review of and concurrence in separation of members of the Armed Forces making an Unrestricted Report of sexual assault.

Sec. 579. Department of Defense policy and plan for prevention and response to sexual harassment in the Armed Forces.

Subtitle I—Suicide Prevention and Resilience

Sec. 580. Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs.

Sec. 581. Reserve component suicide prevention and resilience program.

- Sec. 582. Comprehensive policy on prevention of suicide among members of the Armed Forces.
- Sec. 583. Study of resilience programs for members of the Army.

Subtitle J—Other Matters

- Sec. 584. Issuance of prisoner-of-war medal.
- Sec. 585. Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment.
- Sec. 586. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.
- Sec. 587. Acceptance of gifts and services related to educational activities and voluntary services to account for missing persons.
- Sec. 588. Display of State, District of Columbia, commonwealth, and territorial flags by the Armed Forces.
- Sec. 589. Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs.
- Sec. 590. Extension of authorities to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.
- Sec. 591. Inspection of military cemeteries under the jurisdiction of Department of Defense.
- Sec. 592. Report on results of investigations and reviews conducted with respect to Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base.
- Sec. 593. Preservation of editorial independence of Stars and Stripes.
- Sec. 594. National public awareness and participation campaign for Veterans' History Project of American Folklife Center.
- Sec. 595. Report on accuracy of data in the Defense Enrollment Eligibility Reporting System.
- Sec. 596. Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance.

1 **Subtitle A—Officer Personnel**

2 **Policy Generally**

3 **SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFI-** 4 **CERS ON ACTIVE DUTY.**

5 (a) **ADDITIONAL FLAG OFFICER AUTHORIZED.**—Sec-
 6 tion 526(a)(2) of title 10, United States Code, is amended
 7 by striking “160” and inserting “162”.

8 (b) **CORRESPONDING CHANGE IN COMPUTING NUM-**
 9 **BER OF FLAG OFFICERS IN STAFF CORPS OF THE**

1 NAVY.—Section 5150(c) of such title is amended by strik-
2 ing the last sentence.

3 (c) MODIFICATION OF EFFECTIVE DATE OF CERTAIN
4 REFORMS OF THE STRENGTH AND DISTRIBUTION LIM-
5 TATIONS APPLICABLE TO MARINE CORPS GENERAL OFFI-
6 CERS.—Paragraph (3) of section 502(b) of the National
7 Defense Authorization Act for Fiscal Year 2012 (Public
8 Law 112–81; 125 Stat. 1387; 10 U.S.C. 525 note) is
9 amended to read as follows:

10 “(3) EFFECTIVE DATES.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), the amendments made by
13 this subsection shall take effect on October 1,
14 2013.

15 “(B) MARINE CORPS OFFICERS.—The
16 amendments made by paragraphs (1)(A)(iv)
17 and (2)(D) shall take effect on October 1,
18 2012.”.

19 **SEC. 502. REINSTATEMENT OF AUTHORITY FOR ENHANCED**
20 **SELECTIVE EARLY RETIREMENT BOARDS**
21 **AND EARLY DISCHARGES.**

22 Section 638a of title 10 United States Code, is
23 amended—

24 (1) in subsection (a)—

25 (A) by inserting “(1)” after “(a)”;

1 (B) by striking “, during the period begin-
2 ning on October 1, 1990,” and all that follows
3 through “December 31, 2012,”; and

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

6 “(2) Any authority provided to the Secretary of a
7 military department under paragraph (1) shall expire on
8 the date specified by the Secretary of Defense, but such
9 expiration date may not be later than December 31,
10 2018.”;

11 (2) in subsection (b), by striking paragraph (3)
12 and redesignating paragraph (4) as paragraph (3);

13 (3) in subsection (c), by adding at the end the
14 following new paragraph:

15 “(4) In the case of an action under subsection (b)(2),
16 the Secretary of Defense may also authorize the Secretary
17 of the military department concerned to waive the five-
18 year period specified in section 638(c) of this title if the
19 Secretary of Defense determines that it is necessary for
20 the Secretary of that military department to have such
21 authority in order to meet mission needs.”; and

22 (4) in subsection (d)—

23 (A) by striking “subsection (b)(4)” each
24 place it appears and inserting “subsection
25 (b)(3)”;

1 (B) in paragraph (2), by striking “except
2 that during the period beginning on October 1,
3 2006, and ending on December 31, 2012,” in
4 subparagraphs (A) and (B) and inserting “ex-
5 cept that through December 31, 2018,”.

6 **SEC. 503. MODIFICATION OF DEFINITION OF JOINT DUTY**
7 **ASSIGNMENT TO INCLUDE ALL INSTRUCTOR**
8 **ASSIGNMENTS FOR JOINT TRAINING AND**
9 **EDUCATION.**

10 Section 668(b)(1)(B) of title 10, United States Code,
11 is amended by striking “assignments for joint” and all
12 that follows through “Phase II” and inserting “student
13 assignments for joint training and education”.

14 **SEC. 504. EXCEPTION TO REQUIRED RETIREMENT AFTER 30**
15 **YEARS OF SERVICE FOR REGULAR NAVY**
16 **WARRANT OFFICERS IN THE GRADE OF**
17 **CHIEF WARRANT OFFICER, W-5.**

18 Section 1305(a) of title 10, United States Code, is
19 amended—

20 (1) in paragraph (1)—

21 (A) by striking “A regular warrant officer
22 (other than a regular Army warrant officer)”
23 and inserting “Subject to paragraphs (2) and
24 (3), a regular warrant officer”; and

1 (B) by striking “he” and inserting “the of-
2 ficer”; and

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

5 “(3) In the case of a regular Navy warrant officer
6 in the grade of chief warrant officer, W-5, the officer shall
7 be retired 60 days after the date on which the officer com-
8 pletes 33 years of total active service.”

9 **SEC. 505. EXTENSION OF TEMPORARY AUTHORITY TO RE-**
10 **DUCE MINIMUM LENGTH OF ACTIVE SERVICE**
11 **AS A COMMISSIONED OFFICER REQUIRED**
12 **FOR VOLUNTARY RETIREMENT AS AN OFFI-**
13 **CER.**

14 (a) ARMY.—Section 3911(b)(2) of title 10, United
15 States Code, is amended by striking “September 30,
16 2013” and inserting “September 30, 2018”.

17 (b) NAVY AND MARINE CORPS.—Section
18 6323(a)(2)(B) of such title is amended by striking “Sep-
19 tember 30, 2013” and inserting “September 30, 2018”.

20 (c) AIR FORCE.—Section 8911(b)(2) of such title is
21 amended by striking “September 30, 2013” and inserting
22 “September 30, 2018”.

1 **SEC. 506. TEMPORARY INCREASE IN THE TIME-IN-GRADE**
2 **RETIREMENT WAIVER LIMITATION FOR LIEU-**
3 **TENANT COLONELS AND COLONELS IN THE**
4 **ARMY, AIR FORCE, AND MARINE CORPS AND**
5 **COMMANDERS AND CAPTAINS IN THE NAVY.**

6 Section 1370(a)(2)(F) of title 10, United States
7 Code, is amended—

8 (1) by striking “the period ending on December
9 31, 2007” and inserting “fiscal years 2013 through
10 2018”;

11 (2) by striking “Air Force” and inserting
12 “Army, Air Force, and Marine Corps”; and

13 (3) by striking “in the period”.

14 **SEC. 507. MODIFICATION TO LIMITATIONS ON NUMBER OF**
15 **OFFICERS FOR WHOM SERVICE-IN-GRADE RE-**
16 **QUIREMENTS MAY BE REDUCED FOR RETIRE-**
17 **MENT IN GRADE UPON VOLUNTARY RETIRE-**
18 **MENT.**

19 Section 1370(a)(2) of title 10, United States Code,
20 is amended—

21 (1) in subparagraph (E)—

22 (A) by inserting “(i)” after “exceed”; and

23 (B) by inserting before the period at the
24 end the following: “or (ii) in the case of officers
25 of that armed force in a grade specified in sub-

1 paragraph (G), two officers, whichever number
2 is greater”; and

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

5 “(G) Notwithstanding subparagraph (E), during fis-
6 cal years 2013 through 2017, the total number of briga-
7 dier generals and major generals of the Army, Air Force,
8 and Marine Corps, and the total number of rear admirals
9 (lower half) and rear admirals of the Navy, for whom a
10 reduction is made under this section during any fiscal year
11 of service-in-grade otherwise required under this para-
12 graph may not exceed 10 percent of the authorized active-
13 duty strength for that fiscal year for officers of that armed
14 force in those grades.”.

15 **SEC. 508. AIR FORCE CHIEF OF CHAPLAINS.**

16 (a) ESTABLISHMENT OF POSITIONS; APPOINT-
17 MENT.—Chapter 805 of title 10, United States Code, is
18 amended by adding at the end the following new section:

19 **“§ 8039. Chief of Chaplains: appointment; duties**

20 “(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of
21 Chaplains in the Air Force, appointed by the President,
22 by and with the advice and consent of the Senate, from
23 officers of the Air Force designated under section 8067(h)
24 of this title as chaplains who—

1 “(A) are serving in the grade of colonel or
2 above;

3 “(B) are serving on active duty; and

4 “(C) have served on active duty as a chaplain
5 for at least eight years.

6 “(2) An officer appointed as the Chief of Chaplains
7 shall be appointed for a term of three years. However, the
8 President may terminate or extend the appointment at
9 any time.

10 “(3) The Chief of Chaplains shall perform such du-
11 ties as may be prescribed by the Secretary of the Air Force
12 and by law.

13 “(b) SELECTION BOARD.—Under regulations ap-
14 proved by the Secretary of Defense, the Secretary of the
15 Air Force, in selecting an officer for recommendation to
16 the President for appointment as the Chief of Chaplains,
17 shall ensure that the officer selected is recommended by
18 a board of officers that, insofar as practicable, is subject
19 to the procedures applicable to the selection boards con-
20 vened under chapter 36 of this title.

21 “(c) GRADE.—An officer appointed as Chief of Chap-
22 lains who holds a lower regular grade may be appointed
23 in the regular grade of major general.”.

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

“8039. Chief of Chaplains: appointment; duties.”.

4 **Subtitle B—Reserve Component**
5 **Management**

6 **SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS**

7 **FOR JOINT STAFF RELATED TO NATIONAL**

8 **GUARD AND RESERVE MATTERS.**

9 (a) CODIFICATION OF EXISTING POSITIONS.—Chap-
10 ter 5 of title 10, United States Code, is amended by insert-
11 ing after section 155 the following new section:

12 **“§ 155a. Assistants to the Chairman of the Joint**
13 **Chiefs of Staff for National Guard mat-**
14 **ters and Reserve matters**

15 “(a) ESTABLISHMENT OF POSITIONS.—The Sec-
16 retary of Defense shall establish the following positions
17 within the Joint Staff:

18 “(1) Assistant to the Chairman of the Joint
19 Chiefs of Staff for National Guard Matters.

20 “(2) Assistant to the Chairman of the Joint
21 Chiefs of Staff for Reserve Matters.

22 “(b) SELECTION.—(1) The Assistant to the Chair-
23 man of the Joint Chiefs of Staff for National Guard Mat-
24 ters shall be selected by the Chairman from officers of the

1 Army National Guard of the United States or the Air
2 Guard of the United States who—

3 “(A) are recommended for such selection by
4 their respective Governors or, in the case of the Dis-
5 trict of Columbia, the commanding general of the
6 District of Columbia National Guard;

7 “(B) have had at least 10 years of federally rec-
8 ognized commissioned service in the National Guard
9 and significant joint duty experience, as determined
10 by the Chairman; and

11 “(C) are in a grade above the grade of colonel.

12 “(2) The Assistant to the Chairman of the Joint
13 Chiefs of Staff for Reserve Matters shall be selected by
14 the Chairman from officers of the Army Reserve, the Navy
15 Reserve, the Marine Corps Reserve, or the Air Force Re-
16 serve who—

17 “(A) are recommended for such selection by the
18 Secretary of the military department concerned;

19 “(B) have had at least 10 years of commis-
20 sioned service in their reserve component and signifi-
21 cant joint duty experience, as determined by the
22 Chairman; and

23 “(C) are in a grade above the grade of colonel
24 or, in the case of the Navy Reserve, captain.

1 “(c) TERM OF OFFICE.—Each Assistant to the
2 Chairman of the Joint Chiefs of Staff under subsection
3 (a) serves at the pleasure of the Chairman for a term of
4 two years and may be continued in that assignment in
5 the same manner for one additional term. However, in
6 time of war there is no limit on the number of terms.

7 “(d) GRADE.—Each Assistant to the Chairman of the
8 Joint Chiefs of Staff under subsection (a), while so serv-
9 ing, holds the grade of major general or, in the case of
10 the Navy Reserve, rear admiral. Each such officer shall
11 be considered to be serving in a position covered by the
12 limited exclusion from the authorized strength of general
13 officers and flag officers on active duty provided by section
14 526(b) of this title.

15 “(e) DUTIES.—(1) The Assistant to the Chairman of
16 the Joint Chiefs of Staff for National Guard Matters is
17 an adviser to the Chairman on matters relating to the Na-
18 tional Guard and performs the duties prescribed for that
19 position by the Chairman.

20 “(2) The Assistant to the Chairman of the Joint
21 Chiefs of Staff for Reserve Matters is an adviser to the
22 Chairman on matters relating to the reserves and per-
23 forms the duties prescribed for that position by the Chair-
24 man.

1 “(f) OTHER RESERVE COMPONENT REPRESENTA-
2 TION ON JOINT STAFF.—The Secretary of Defense, in
3 consultation with the Chairman of the Joint Chiefs of
4 Staff, shall develop appropriate policy guidance to ensure
5 that, to the maximum extent practicable, the level of rep-
6 resentation of reserve component officers on the Joint
7 Staff is commensurate with the significant role of the re-
8 serve components within the armed forces.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such chapter is amended by inserting
11 after the item related to section 155 the following new
12 item:

“155a. Assistants to the Chairman of the Joint Chiefs of Staff for National
Guard matters and Reserve matters.”.

13 (c) REPEAL OF SUPERSEDED LAW.—Section 901 of
14 the National Defense Authorization Act for Fiscal Year
15 1998 (Public Law 105–85; 10 U.S.C. 155 note) is re-
16 pealed.

17 **SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PRO-**
18 **MOTION OF CERTAIN NATIONAL GUARD WAR-**
19 **RANT OFFICERS.**

20 Section 310(a) of title 32, United States Code, is
21 amended—

22 (1) by inserting “(1)” before “Notwith-
23 standing”; and

1 (2) by adding at the end the following new
2 paragraph:

3 “(2) Notwithstanding sections 307 and 309 of this
4 title, if a warrant officer, W-1, of the National Guard is
5 promoted to the grade of chief warrant officer, W-2, to
6 fill a vacancy in a federally recognized unit in the National
7 Guard, Federal recognition is automatically extended to
8 that officer in the grade of chief warrant officer, W-2,
9 effective as of the date on which that officer has completed
10 the service in the grade prescribed by the Secretary con-
11 cerned under section 12242 of title 10, if the warrant offi-
12 cer has remained in an active status since the warrant
13 officer was so recommended.”.

14 **SEC. 513. AVAILABILITY OF TRANSITION ASSISTANCE ADVI-**
15 **SORS TO ASSIST MEMBERS OF RESERVE COM-**
16 **PONENTS WHO SERVE ON ACTIVE DUTY FOR**
17 **MORE THAN 180 CONSECUTIVE DAYS.**

18 (a) TRANSITION ASSISTANCE ADVISOR PROGRAM AU-
19 THORIZED.—The Chief of the National Guard Bureau
20 may establish a program to provide professionals (to be
21 known as Transition Assistance Advisors) in each State
22 to serve as points of contact to assist eligible members
23 of the reserve components in accessing benefits and health
24 care furnished under laws administered by the Secretary

1 of Defense and benefits and health care furnished under
2 laws administered by the Secretary of Veterans Affairs.

3 (b) ELIGIBLE MEMBERS.—To be eligible for assist-
4 ance under this section, a member of a reserve component
5 must have served on active duty in the Armed Forces for
6 a period of more than 180 consecutive days.

7 (c) DUTIES.—The duties of a Transition Assistance
8 Advisor include the following:

9 (1) To assist with the creation and execution of
10 an individual transition plan for an eligible member
11 of a reserve component and dependents of the mem-
12 ber for the reintegration of the member into civilian
13 life.

14 (2) To provide employment support services to
15 the member and dependents of the member, includ-
16 ing assistance with finding employment opportuni-
17 ties and identifying and obtaining assistance from
18 programs within and outside of the Federal Govern-
19 ment.

20 (3) To provide information on relocation, health
21 care, mental health care, and financial support serv-
22 ices available to the member and dependents of the
23 member from the Department of Defense, the De-
24 partment of Veterans Affairs, and other Federal,
25 State, and local agencies.

1 (4) To provide information on educational sup-
2 port services available to the member, including
3 Post-9/11 Educational Assistance under chapter 33
4 of title 38, United States Code.

5 (d) TRANSITION PLANS.—The individual transition
6 plan referred to in subsection (c)(1) created for an eligible
7 member of a reserve component shall include at a min-
8 imum the following:

9 (1) A plan for the transition of the member to
10 civilian life, including with respect to employment,
11 education, and health care.

12 (2) A description of the transition services that
13 the member and dependents of the member will need
14 to achieve their transition objectives, including infor-
15 mation on any forms that the member will need to
16 fill out to be eligible for such services.

17 (3) A point of contact for each agency or entity
18 that can provide the transition services described in
19 paragraph (2).

20 (4) Such other information determined to be es-
21 sential for the transition of the member, as deter-
22 mined by the Chief of the National Guard Bureau
23 in consultation with the Secretary of Defense and
24 the Secretary of Veterans Affairs.

1 (e) FUNDING.—Funding for Transition Assistance
2 Advisors for a fiscal year shall be derived from amounts
3 authorized to be appropriated for operation and mainte-
4 nance for the National Guard for that fiscal year.

5 (f) STATE DEFINED.—In this section, the term
6 “State” means each of the several States of the United
7 States, the District of Columbia, and any territory of the
8 United States.

9 **Subtitle C—General Service**
10 **Authorities**

11 **SEC. 518. AUTHORITY FOR ADDITIONAL BEHAVIORAL**
12 **HEALTH PROFESSIONALS TO CONDUCT PRE-**
13 **SEPARATION MEDICAL EXAMS FOR POST-**
14 **TRAUMATIC STRESS DISORDER.**

15 Section 1177(a) of title 10, United States Code, is
16 amended—

17 (1) in paragraph (1), by striking “or psychia-
18 trist” and inserting “psychiatrist, licensed clinical
19 social worker, or psychiatric advanced practice reg-
20 istered nurse”; and

21 (2) in paragraph (3), by striking “or psychia-
22 trist” and inserting “, psychiatrist, licensed clinical
23 social worker, or psychiatric advanced practice reg-
24 istered nurse”.

1 **SEC. 519. DIVERSITY IN THE ARMED FORCES AND RELATED**
2 **REPORTING REQUIREMENTS.**

3 (a) PLAN TO ACHIEVE MILITARY LEADERSHIP RE-
4 FLECTING DIVERSITY OF UNITED STATES POPU-
5 LATION.—

6 (1) IN GENERAL.—Chapter 37 of title 10,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 656. Diversity in military leadership: plan**

10 “(a) PLAN.—The Secretary of Defense (and the Sec-
11 retary of Homeland Security in the case of the Coast
12 Guard when it is not operating as a service in the Depart-
13 ment of the Navy) shall develop and implement a plan to
14 accurately measure the efforts of the Department of De-
15 fense and the Coast Guard to achieve a dynamic, sustain-
16 able level of members of the armed forces (including re-
17 serve components) that, among both commissioned officers
18 and senior enlisted personnel of each armed force, will re-
19 flect the diverse population of the United States eligible
20 to serve in the armed forces, including gender specific, ra-
21 cial, and ethnic populations. Any metric established pursu-
22 ant to this subsection may not be used in a manner that
23 undermines the merit-based processes of the Department
24 of Defense and the Coast Guard, including such processes
25 for accession, retention, and promotion. Such metrics may
26 not be combined with the identification of specific quotas

1 based upon diversity characteristics. The Secretary con-
2 cerned shall continue to account for diversified language
3 and cultural skills among the total force of the armed
4 forces.

5 “(b) METRICS TO MEASURE PROGRESS IN DEVEL-
6 OPING AND IMPLEMENTING PLAN.—In developing and im-
7 plementing the plan under subsection (a), the Secretary
8 of Defense and the Secretary of Homeland Security shall
9 develop a standard set of metrics and collection procedures
10 that are uniform across the armed forces. The metrics re-
11 quired by this subsection shall be designed—

12 “(1) to accurately capture the inclusion and ca-
13 pability aspects of the armed forces’ broader diver-
14 sity plans, including race, ethnic, and gender specific
15 groups, as potential factors of force readiness that
16 would supplement continued accounting by the De-
17 partment of Defense and the Coast Guard of diversi-
18 fied language and cultural skills among the total
19 force as part of the assessment of current and fu-
20 ture national security needs; and

21 “(2) to be verifiable and systematically linked
22 to strategic plans that will drive improvements.

23 “(c) DEFINITION OF DIVERSITY.—In developing and
24 implementing the plan under subsection (a), the Secretary

1 of Defense and the Secretary of Homeland Security shall
2 develop a uniform definition of diversity.

3 “(d) CONSULTATION.—Not less than annually, the
4 Secretary of Defense and the Secretary of Homeland Se-
5 curity shall meet with the Secretaries of the military de-
6 partments, the Joint Chiefs of Staff, the Commandant of
7 the Coast Guard, and senior enlisted members of the
8 armed forces to discuss the progress being made toward
9 developing and implementing the plan established under
10 subsection (a).

11 “(e) COOPERATION WITH STATES.—The Secretary of
12 Defense shall coordinate with the National Guard Bureau
13 and States in tracking the progress of the National Guard
14 toward developing and implementing the plan established
15 under subsection (a).”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of such chapter is amended
18 by adding at the end the following new item:

“656. Diversity in military leadership: plan.”.

19 (b) INCLUSION IN DOD MANPOWER REQUIREMENTS
20 REPORT.—Section 115a of such title is amended by in-
21 serting after subsection (f) the following new subsection:

22 “(g) In each report submitted under subsection (a)
23 during fiscal years 2013 through 2017, the Secretary shall
24 also include a detailed discussion of the following:

1 “(1) The progress made in implementing the
2 plan required by section 656 of this title to accu-
3 rately measure the efforts of the Department to re-
4 flect the diverse population of the United States eli-
5 gible to serve in the armed forces.

6 “(2) The number of members of the armed
7 forces, including reserve components, listed by gen-
8 der and race or ethnicity for each rank under each
9 military department.

10 “(3) The number of members of the armed
11 forces, including reserve components, who were pro-
12 moted during the year covered by the report, listed
13 by gender and race or ethnicity for each rank under
14 each military department.

15 “(4) The number of members of the armed
16 forces, including reserve components, who reenlisted
17 or otherwise extended the commitment to military
18 service during the year covered by the report, listed
19 by gender and race or ethnicity for each rank under
20 each military department.

21 “(5) The available pool of qualified candidates
22 for the general officer grades of general and lieuten-
23 ant general and the flag officer grades of admiral
24 and vice admiral.”.

25 (c) COAST GUARD REPORT.—

1 (1) ANNUAL REPORT REQUIRED.—The Sec-
2 retary of Homeland Security (or the Secretary of the
3 Navy in the event the Coast Guard is operating as
4 a service in the Department of the Navy) shall pre-
5 pare an annual report addressing diversity among
6 commissioned officers of the Coast Guard and Coast
7 Guard Reserve and among enlisted personnel of the
8 Coast Guard and Coast Guard Reserve. The report
9 shall include—

10 (A) an assessment of the available pool of
11 qualified candidates for the flag officer grades
12 of admiral and vice admiral;

13 (B) the number of such officers and per-
14 sonnel, listed by gender and race or ethnicity
15 for each rank;

16 (C) the number of such officers and per-
17 sonnel who were promoted during the year cov-
18 ered by the report, listed by gender and race or
19 ethnicity for each rank; and

20 (D) the number of such officers and per-
21 sonnel who reenlisted or otherwise extended the
22 commitment to the Coast Guard during the
23 year covered by the report, listed by gender and
24 race or ethnicity for each rank.

1 (2) SUBMISSION.—The report under paragraph
2 (1) shall be submitted during each of fiscal years
3 2013 through 2017 not later than 45 days after the
4 date on which the President submits to Congress the
5 budget for the next fiscal year under section 1105
6 of title 31, United States Code. Each report shall be
7 submitted to the Committee on Armed Services, the
8 Committee on Transportation and Infrastructure,
9 and the Committee on Homeland Security of the
10 House of Representatives, and the Committee on
11 Armed Services and the Committee on Commerce,
12 Science, and Transportation of the Senate.

13 **SEC. 520. LIMITATION ON REDUCTION IN NUMBER OF MILI-**
14 **TARY AND CIVILIAN PERSONNEL ASSIGNED**
15 **TO DUTY WITH SERVICE REVIEW AGENCIES.**

16 Section 1559(a) of title 10, United States Code, is
17 amended by striking “December 31, 2013” and inserting
18 “December 31, 2016”.

19 **SEC. 521. EXTENSION OF TEMPORARY INCREASE IN ACCU-**
20 **MULATED LEAVE CARRYOVER FOR MEMBERS**
21 **OF THE ARMED FORCES.**

22 Section 701(d) of title 10, United States Code, is
23 amended by striking “September 30, 2013” and inserting
24 “September 30, 2015”.

1 **SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PRO-**
2 **GRAMS ON CAREER FLEXIBILITY TO EN-**
3 **HANCE RETENTION OF MEMBERS OF THE**
4 **ARMED FORCES.**

5 (a) EXTENSION OF PROGRAMS TO CERTAIN ACTIVE
6 GUARD AND RESERVE PERSONNEL.—Section 533 of Dun-
7 can Hunter National Defense Authorization Act for Fiscal
8 Year 2009 (10 U.S.C. prec. 701 note) is amended—

9 (1) in subsection (a)(1), by inserting “and
10 members on active Guard and Reserve duty” after
11 “officers and enlisted members of the regular com-
12 ponents”;

13 (2) by redesignating subsection (l) as subsection
14 (m); and

15 (3) by inserting after subsection (k) the fol-
16 lowing new subsection (l):

17 “(l) DEFINITION.—In this section, the term ‘active
18 Guard and Reserve duty’ has the meaning given that term
19 in section 101(d)(6) of title 10, United States Code.”.

20 (b) AUTHORITY TO CARRY FORWARD UNUSED AC-
21 CRUED LEAVE.—Subsection (h) of such section is amend-
22 ed by adding at the end the following new paragraph:

23 “(5) LEAVE.—A member who participates in a
24 pilot program is entitled to carry forward the leave
25 balance existing as of the day on which the member
26 begins participation and accumulated in accordance

1 with section 701 of title 10, United States Code, but
2 not to exceed 60 days.”.

3 (c) AUTHORITY FOR DISABILITY PROCESSING.—Sub-
4 section (j) of such section is amended—

5 (1) in the subsection heading, by striking
6 “MEDICAL AND DENTAL CARE” and inserting
7 “CONTINUED ENTITLEMENTS”;

8 (2) by striking “for purposes of the entitle-
9 ment” and inserting “for purposes of—
10 “(1) the entitlement”;

11 (3) by striking the period at the end and insert-
12 ing “; and”; and

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

15 “(2) retirement or separation for physical dis-
16 ability under the provisions of chapters 55 and 61
17 of title 10, United States Code.”.

18 **SEC. 523. PROHIBITION ON WAIVER FOR COMMISSIONING**
19 **OR ENLISTMENT IN THE ARMED FORCES FOR**
20 **ANY INDIVIDUAL CONVICTED OF A FELONY**
21 **SEXUAL OFFENSE.**

22 An individual may not be provided a waiver for com-
23 missioning or enlistment in the Armed Forces if the indi-
24 vidual has been convicted under Federal or State law of
25 a felony offense of any of the following:

- 1 (1) Rape.
- 2 (2) Sexual abuse.
- 3 (3) Sexual assault.
- 4 (4) Incest.
- 5 (5) Any other sexual offense.

6 **SEC. 524. QUALITY REVIEW OF MEDICAL EVALUATION**
7 **BOARDS, PHYSICAL EVALUATION BOARDS,**
8 **AND PHYSICAL EVALUATION BOARD LIAISON**
9 **OFFICERS.**

10 (a) IN GENERAL.—The Secretary of Defense shall
11 standardize, assess, and monitor the quality assurance
12 programs of the military departments to evaluate the fol-
13 lowing in the performance of their duties (including duties
14 under chapter 61 of title 10, United States Code):

- 15 (1) Medical Evaluation Boards.
- 16 (2) Physical Evaluation Boards.
- 17 (3) Physical Evaluation Board Liaison Officers.

18 (b) OBJECTIVES.—The objectives of the quality as-
19 surance program shall be as follows:

- 20 (1) To ensure accuracy and consistency in the
21 determinations and decisions of Medical Evaluation
22 Boards and Physical Evaluation Boards.
- 23 (2) To otherwise monitor and sustain proper
24 performance of the duties of Medical Evaluation

1 Boards and Physical Evaluation Boards, and of
2 Physical Evaluation Board Liaison Officers.

3 (3) Such other objectives as the Secretary shall
4 specify for purposes of the quality assurance pro-
5 gram.

6 (c) REPORTS.—

7 (1) REPORT ON IMPLEMENTATION.—Not later
8 than 180 days after the date of the enactment of
9 this Act, the Secretary shall submit to the appro-
10 priate committees of Congress a report setting forth
11 the plan of the Secretary for the implementation of
12 the requirements of this section.

13 (2) ANNUAL REPORTS.—Not later than one
14 year after the date of the submittal of the report re-
15 quired by paragraph (1), and annually thereafter for
16 the next four years, the Secretary shall submit to
17 the appropriate committees of Congress a report set-
18 ting forth an assessment of the implementation of
19 the requirements of this section during the one-year
20 period ending on the date of the report under this
21 paragraph. Each report shall include, in particular,
22 an assessment of the extent to which the quality as-
23 surance program under the requirements of this sec-
24 tion meets the objectives specified in subsection (b).

1 (3) APPROPRIATE COMMITTEES OF CONGRESS
2 DEFINED.—In this subsection, the term “appro-
3 priate committees of Congress” means—

4 (A) the Committee on Armed Services and
5 the Committee on Veterans’ Affairs of the Sen-
6 ate; and

7 (B) the Committee on Armed Services and
8 the Committee on Veterans’ Affairs of the
9 House of Representatives.

10 **SEC. 525. REPORTS ON INVOLUNTARY SEPARATION OF**
11 **MEMBERS OF THE ARMED FORCES.**

12 (a) PERIODIC REPORTS REQUIRED.—Not later than
13 30 days after the end of each half-year period during cal-
14 endar years 2013 and 2014, the Secretary of each military
15 department shall submit to the Committees on Armed
16 Services of the Senate and the House of Representatives
17 a report on the number of members of the regular compo-
18 nents of the Armed Forces under the jurisdiction of such
19 Secretary who were involuntarily separated from active
20 duty in the Armed Forces (for reasons other than for
21 cause) to meet force reduction requirements during the
22 six-month period covered by the report.

23 (b) ELEMENTS.—Each report on an Armed Force
24 under subsection (a) shall set forth the following for the
25 period covered by the report:

1 (1) The total number members of that Armed
2 Force involuntarily separated from active duty in the
3 Armed Forces (for reasons other than for cause) to
4 meet force reduction requirements.

5 (2) The number of members covered by para-
6 graph (1) separately set forth by grade, by total
7 years of service in the Armed Forces at the time of
8 separation, and by military occupational specialty or
9 rating (or competitive category in the case of offi-
10 cers).

11 (3) The number of members covered by para-
12 graph (1) who received involuntary separation pay,
13 or who are authorized to receive temporary retired
14 pay, in connection with the separation.

15 (4) The number of members covered by para-
16 graph (1) who completed transition assistance pro-
17 grams relating to future employment.

18 (5) The average number of months members
19 covered by paragraph (1) were deployed to overseas
20 contingency operations, separately set forth by
21 grade.

1 **SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GEN-**
2 **DER-NEUTRAL OCCUPATIONAL STANDARDS**
3 **FOR MILITARY OCCUPATIONAL SPECIALTIES**
4 **CURRENTLY CLOSED TO WOMEN.**

5 Not later than 60 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall submit
7 to the congressional defense committees a report evalu-
8 ating the feasibility of incorporating gender-neutral occu-
9 pational standards for military occupational specialties
10 closed, as of the date of the enactment of this Act, to fe-
11 male members of the Armed Forces.

12 **SEC. 527. REPORT ON EDUCATION AND TRAINING AND PRO-**
13 **MOTION RATES FOR PILOTS OF REMOTELY**
14 **PILOTED AIRCRAFT.**

15 (a) **REPORT REQUIRED.**—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of the Air Force and the Chief of Staff of the Air Force
18 shall jointly submit to the congressional defense commit-
19 tees a report on education and training and promotion
20 rates for Air Force pilots of remotely piloted aircraft
21 (RPA).

22 (b) **ELEMENTS.**—The report required by subsection
23 (a) shall include the following:

24 (1) A detailed analysis of the reasons for per-
25 sistently lower average education and training and

1 promotion rates for Air Force pilots of remotely pi-
2 loted aircraft.

3 (2) An assessment of the long-term impact on
4 the Air Force of the sustainment of such lower
5 rates.

6 (3) A plan to raise such rates, including—

7 (A) a description of the near-term and
8 longer-term actions the Air Force intends to
9 undertake to implement the plan; and

10 (B) an analysis of the potential direct and
11 indirect impacts of the plan on the achievement
12 and sustainment of the combat air patrol objec-
13 tives of the Air Force for remotely piloted air-
14 craft.

15 **SEC. 528. IMPACT OF NUMBERS OF MEMBERS WITHIN THE**
16 **INTEGRATED DISABILITY EVALUATION SYS-**
17 **TEM ON READINESS OF ARMED FORCES TO**
18 **MEET MISSION REQUIREMENTS.**

19 (a) ANNUAL IMPACT STATEMENT.—In the materials
20 submitted to Congress in support of the budget for the
21 Department of Defense for each of fiscal years 2014
22 through 2018, the Secretary of each military department
23 shall include a statement concerning the extent to which
24 the number of members of an Armed Force under the ju-

1 jurisdiction of the Secretary who are within the Integrated
2 Disability Evaluation System impacts—

3 (1) the readiness of that Armed Force to meet
4 on-going mission requirements; and

5 (2) dwell time for other members of that Armed
6 Force.

7 (b) RESPONSE PLAN.—If the statement of the Sec-
8 retary of a military department under subsection (a) for
9 a fiscal year concludes that an adverse impact on readi-
10 ness or dwell time of an Armed Force is occurring, the
11 Secretary shall include with the budget materials a plan
12 describing how the Armed Force will mitigate the impact.

13 **Subtitle D—Military Justice and** 14 **Legal Matters**

15 **SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE** 16 **ROLE OF STAFF JUDGE ADVOCATE TO THE** 17 **COMMANDANT OF THE MARINE CORPS.**

18 (a) APPOINTMENT BY THE PRESIDENT AND PERMA-
19 NENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—
20 Subsection (a) of section 5046 of title 10, United States
21 Code, is amended—

22 (1) in the first sentence, by striking “detailed”
23 and inserting “appointed by the President, by and
24 with the advice and consent of the Senate,”; and

1 (2) by striking the second sentence and insert-
2 ing the following new sentence: “If the officer to be
3 appointed as the Staff Judge Advocate to the Com-
4 mandant of the Marine Corps holds a grade lower
5 than the grade of major general immediately before
6 the appointment, the officer shall be appointed in
7 the grade of major general.”.

8 (b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—
9 Such section is further amended—

10 (1) by redesignating subsection (c) as sub-
11 section (d); and

12 (2) by inserting after subsection (b) the fol-
13 lowing new subsection (c):

14 “(c) The Staff Judge Advocate to the Commandant
15 of the Marine Corps, under the direction of the Com-
16 mandant of the Marine Corps and the Secretary of the
17 Navy, shall—

18 “(1) perform such duties relating to legal mat-
19 ters arising in the Marine Corps as may be assigned
20 to the Staff Judge Advocate;

21 “(2) perform the functions and duties, and ex-
22 ercise the powers, prescribed for the Staff Judge Ad-
23 vocate to the Commandant of the Marine Corps in
24 chapter 47 (the Uniform Code of Military Justice)
25 and chapter 53 of this title; and

1 “(3) perform such other duties as may be as-
2 signed to the Staff Judge Advocate.”.

3 (c) COMPOSITION OF HEADQUARTERS, MARINE
4 CORPS.—Section 5041(b) of such title is amended—

5 (1) by redesignating paragraphs (4) and (5) as
6 paragraphs (5) and (6), respectively; and

7 (2) by inserting after paragraph (3) the fol-
8 lowing new paragraph (4):

9 “(4) The Staff Judge Advocate to the Com-
10 mandant of the Marine Corps.”.

11 (d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

12 (1) ADMINISTRATION OF MILITARY JUSTICE.—

13 Section 806(a) of such title (article 6(a) of the Uni-
14 form Code of Military Justice) is amended in the
15 third sentence by striking “The Judge Advocate
16 General” and all that follows through “shall” and
17 inserting “The Judge Advocates General, and within
18 the Marine Corps the Staff Judge Advocate to the
19 Commandant of the Marine Corps, or senior mem-
20 bers of their staffs, shall”.

21 (2) DELIVERY OF LEGAL ASSISTANCE.—Section
22 1044(b) of such title is amended by inserting “, and
23 within the Marine Corps the Staff Judge Advocate
24 to the Commandant of the Marine Corps,” after “ju-
25 risdiction of the Secretary”.

1 **SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON AN-**
2 **NUAL SURVEYS OF THE COMMITTEE ON THE**
3 **UNIFORM CODE OF MILITARY JUSTICE.**

4 Subsection (c)(2) of section 946 of title 10, United
5 States Code (article 146 of the Uniform Code of Military
6 Justice), is amended—

7 (1) by redesignating subparagraph (B) as sub-
8 paragraph (C); and

9 (2) by inserting after subparagraph (A) the fol-
10 lowing new subparagraph (B):

11 “(B) Information from the Judge Advocates
12 General and the Staff Judge Advocate to the Com-
13 mandant of the Marine Corps on the following:

14 “(i) The appellate review process, includ-
15 ing—

16 “(I) information on compliance with
17 processing time goals;

18 “(II) discussions of the circumstances
19 surrounding cases in which general court-
20 martial or special court-martial convictions
21 are reversed as a result of command influ-
22 ence or denial of the right to a speedy re-
23 view or otherwise remitted due to loss of
24 records of trial or other administrative de-
25 ficiencies; and

1 “(III) discussions of cases in which a
2 provision of this chapter is held unconsti-
3 tutional.

4 “(ii) Measures implemented by each armed
5 force to ensure the ability of judge advocates to
6 competently participate as trial and defense
7 counsel in, and preside as military judges over,
8 capital cases, national security cases, sexual as-
9 sault cases, and proceedings of military com-
10 missions.

11 “(iii) The independent views of the Judge
12 Advocates General and the Staff Judge Advo-
13 cate to the Commandant of the Marine Corps
14 on the sufficiency of resources available within
15 their respective armed forces, including total
16 workforce, funding, training, and officer and
17 enlisted grade structure, to capably perform
18 military justice functions.”.

19 **SEC. 533. PROTECTION OF RIGHTS OF CONSCIENCE OF**
20 **MEMBERS OF THE ARMED FORCES AND**
21 **CHAPLAINS OF SUCH MEMBERS.**

22 (a) PROTECTION OF RIGHTS OF CONSCIENCE.—

23 (1) ACCOMMODATION.—The Armed Forces
24 shall accommodate the beliefs of a member of the
25 armed forces reflecting the conscience, moral prin-

1 ciples, or religious beliefs of the member and, in so
2 far as practicable, may not use such beliefs as the
3 basis of any adverse personnel action, discrimina-
4 tion, or denial of promotion, schooling, training, or
5 assignment.

6 (2) DISCIPLINARY OR ADMINISTRATIVE AC-
7 TION.—Nothing in paragraph (1) precludes discipli-
8 nary or administrative action for conduct that is
9 proscribed by chapter 47 of title 10, United States
10 Code (the Uniform Code of Military Justice), includ-
11 ing actions and speech that threaten good order and
12 discipline.

13 (b) PROTECTION OF CHAPLAIN DECISIONS RELAT-
14 ING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS
15 BELIEFS.—No member of the Armed Forces may—

16 (1) require a chaplain to perform any rite, rit-
17 ual, or ceremony that is contrary to the conscience,
18 moral principles, or religious beliefs of the chaplain;
19 or

20 (2) discriminate or take any adverse personnel
21 action against a chaplain, including denial of pro-
22 motion, schooling, training, or assignment, on the
23 basis of the refusal by the chaplain to comply with
24 a requirement prohibited by paragraph (1).

1 (c) REGULATIONS.—The Secretary of Defense shall
2 issue regulations implementing the protections afforded by
3 this section.

4 **SEC. 534. REPORTS ON HAZING IN THE ARMED FORCES.**

5 (a) REPORTS REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, each Secretary
7 of a military department (and the Secretary of Homeland
8 Security in the case of the Coast Guard) shall submit to
9 the congressional committees specified in subsection (c) a
10 report on hazing in each Armed Force under the jurisdic-
11 tion of the Secretary.

12 (b) ELEMENTS.—The report on an Armed Force re-
13 quired by subsection (a) shall include the following:

14 (1) An evaluation of the definition of hazing
15 contained in the Secretary of Defense Policy Memo-
16 randum dated August 28, 1997.

17 (2) A discussion of the policies of the Armed
18 Force for preventing and responding to incidents of
19 hazing.

20 (3) A description of the methods implemented
21 to track and report, including report anonymously,
22 incidents of hazing in the Armed Force.

23 (4) An assessment by the Secretary submitting
24 the report of the following:

1 (A) The scope of the problem of hazing in
2 the Armed Force.

3 (B) The training on recognizing and pre-
4 venting hazing provided members of the Armed
5 Force.

6 (C) The actions taken to prevent and re-
7 spond to hazing incidents in the Armed Force.

8 (D) The extent to which the Uniform Code
9 of Military Justice specifically addresses the
10 prosecution of persons subject to the Code who
11 are alleged to have committed hazing.

12 (E) The feasibility of establishing a data-
13 base to track, respond to, and resolve incidents
14 of hazing.

15 (5) A description of the additional actions, if
16 any, the Secretary submitting the report proposes to
17 take to further address the incidence of hazing in
18 the Armed Force.

19 (6) Any recommended changes to the Uniform
20 Code of Military Justice or the Manual for Courts-
21 Martial to improve the prosecution of persons al-
22 leged to have committed hazing in the Armed
23 Forces.

24 (c) SUBMISSION OF REPORTS.—The reports required
25 by subsection (a) shall be submitted—

1 (1) to the Committee on Armed Services and
2 the Committee on Commerce, Science, and Trans-
3 portation of the Senate; and

4 (2) to the Committee on Armed Services and
5 the Committee on Transportation and Infrastructure
6 of the House of Representatives.

7 **Subtitle E—Member Education and**
8 **Training Opportunities and Ad-**
9 **ministration**

10 **SEC. 541. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM**
11 **FROM DEPARTMENT OF EDUCATION TO DE-**
12 **PARTMENT OF DEFENSE AND ENHANCE-**
13 **MENTS TO THE PROGRAM.**

14 (a) TRANSFER OF FUNCTIONS.—

15 (1) TRANSFER.—The responsibility and author-
16 ity for operation and administration of the Troops-
17 to-Teachers Program in chapter A of subpart 1 of
18 part C of title II of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6671 et seq.) is
20 transferred from the Secretary of Education to the
21 Secretary of Defense.

22 (2) MEMORANDUM OF AGREEMENT.—In con-
23 nection with the transfer of responsibility and au-
24 thority for operation and administration of the
25 Troops-to-Teachers Program from the Secretary of

1 Education to the Secretary of Defense under para-
2 graph (1), the Secretaries shall enter into a memo-
3 randum of agreement pursuant to which the Sec-
4 retary of Education will undertake the following:

5 (A) Disseminate information about the
6 Troops-to-Teachers Program to eligible schools
7 (as defined in subsection (a) of section 1154 of
8 title 10, United States Code, as added by sub-
9 section (b)).

10 (B) Advise the Department of Defense on
11 how to prepare eligible members of the Armed
12 Forces described in subsection (d) of such sec-
13 tion 1154 to become participants in the Pro-
14 gram, to meet the requirements necessary to
15 become a teacher in a school described in sub-
16 section (b)(2) of such section 1154, and to find
17 post-service employment in an eligible school.

18 (C) Advise the Department of Defense on
19 how to identify teacher preparation programs
20 for participants in the Program.

21 (D) Inform the Department of Defense of
22 academic subject areas with critical teacher
23 shortages.

24 (E) Identify geographic areas with critical
25 teacher shortages, especially in high-need

1 schools (as defined in subsection (a) of such
2 section 1154).

3 (3) EFFECTIVE DATE.—The transfer of respon-
4 sibility and authority for operation and administra-
5 tion of the Troops-to-Teachers Program under para-
6 graph (1) shall take effect—

7 (A) on the first day of the first month be-
8 ginning more than 90 days after the date of the
9 enactment of this Act; or

10 (B) on such earlier date as the Secretary
11 of Education and the Secretary of Defense may
12 jointly provide.

13 (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE
14 10, UNITED STATES CODE.—

15 (1) IN GENERAL.—Chapter 58 of title 10,
16 United States Code, is amended by adding at the
17 end the following new section:

18 **“§ 1154. Assistance to eligible members and former**
19 **members to obtain employment as teach-**
20 **ers: Troops-to-Teachers Program**

21 “(a) DEFINITIONS.—In this section:

22 “(1) CHARTER SCHOOL.—The term ‘charter
23 school’ has the meaning given that term in section
24 5210(1) of the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 7221i(1)).

1 “(2) ELIGIBLE SCHOOL.—The term ‘eligible
2 school’ means—

3 “(A) a public school, including a charter
4 school, at which—

5 “(i) at least 30 percent of the stu-
6 dents enrolled in the school are from fami-
7 lies with incomes below 185 percent of pov-
8 erty level (as defined by the Office of Man-
9 agement and Budget and revised at least
10 annually in accordance with section 9(b)(1)
11 of the Richard B. Russell National School
12 Lunch Act (42 U.S.C. 1758(b)(1)) applica-
13 ble to a family of the size involved; or

14 “(ii) at least 13 percent of the stu-
15 dents enrolled in the school qualify for as-
16 sistance under part B of the Individuals
17 with Disabilities Education Act (20
18 U.S.C.1411 et seq.); or

19 “(B) a Bureau-funded school as defined in
20 section 1141(3) of the Education Amendments
21 of 1978 (25 U.S.C. 2021(3)).

22 “(3) HIGH-NEED SCHOOL.—The term ‘high-
23 need school’ means—

24 “(A) an elementary or middle school in
25 which at least 50 percent of the enrolled stu-

1 dents are children from low-income families,
2 based on the number of children eligible for free
3 and reduced priced lunches under the Richard
4 B. Russell National School Lunch Act (42
5 U.S.C. 1751 et seq.), the number of children in
6 families receiving assistance under the State
7 program funded under part A of title IV of the
8 Social Security Act (42 U.S.C. 601 et seq.), the
9 number of children eligible to receive medical
10 assistance under the Medicaid program, or a
11 composite of these indicators;

12 “(B) a high school in which at least 40
13 percent of enrolled students are children from
14 low-income families, which may be calculated
15 using comparable data from feeder schools; or

16 “(C) a school that is in a local educational
17 agency that is eligible under section 6211(b) of
18 the Elementary and Secondary Education Act
19 of 1965 (20 U.S.C. 7345(b)).

20 “(4) MEMBER OF THE ARMED FORCES.—The
21 term ‘member of the armed forces’ includes a retired
22 or former member of the armed forces.

23 “(5) PARTICIPANT.—The term ‘participant’
24 means an eligible member of the armed forces se-
25 lected to participate in the Program.

1 “(6) PROGRAM.—The term ‘Program’ means
2 the Troops-to-Teachers Program authorized by this
3 section.

4 “(7) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of Defense.

6 “(8) ADDITIONAL TERMS.—The terms ‘elemen-
7 tary school’, ‘local educational agency’, ‘secondary
8 school’, and ‘State’ have the meanings given those
9 terms in section 9101 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 7801).

11 “(b) PROGRAM AUTHORIZATION.—The Secretary of
12 Defense may carry out a Troops-to-Teachers Program—

13 “(1) to assist eligible members of the armed
14 forces described in subsection (d) to meet the re-
15 quirements necessary to become a teacher in a
16 school described in paragraph (2); and

17 “(2) to facilitate the employment of such mem-
18 bers—

19 “(A) by local educational agencies or char-
20 ter schools that the Secretary of Education
21 identifies as—

22 “(i) receiving grants under part A of
23 title I of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 6301 et
25 seq.) as a result of having within their ju-

1 risdictions concentrations of children from
2 low-income families; or

3 “(ii) experiencing a shortage of teach-
4 ers, in particular a shortage of science,
5 mathematics, special education, foreign
6 language, or career or technical teachers;
7 and

8 “(B) in elementary schools or secondary
9 schools, or as career or technical teachers.

10 “(c) COUNSELING AND REFERRAL SERVICES.—The
11 Secretary may provide counseling and referral services to
12 members of the armed forces who do not meet the eligi-
13 bility criteria described in subsection (d), including the
14 education qualification requirements under paragraph
15 (3)(B) of such subsection.

16 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

17 “(1) ELIGIBLE MEMBERS.—The following mem-
18 bers of the armed forces are eligible for selection to
19 participate in the Program:

20 “(A) Any member who—

21 “(i) on or after October 1, 1999, be-
22 comes entitled to retired or retainer pay
23 under this title or title 14;

24 “(ii) has an approved date of retire-
25 ment that is within one year after the date

1 on which the member submits an applica-
2 tion to participate in the Program; or

3 “(iii) has been transferred to the Re-
4 tired Reserve.

5 “(B) Any member who, on or after Janu-
6 ary 8, 2002—

7 “(i)(I) is separated or released from
8 active duty after four or more years of con-
9 tinuous active duty immediately before the
10 separation or release; or

11 “(II) has completed a total of at least
12 six years of active duty service, six years of
13 service computed under section 12732 of
14 this title, or six years of any combination
15 of such service; and

16 “(ii) executes a reserve commitment
17 agreement for a period of not less than
18 three years under paragraph (5)(B).

19 “(C) Any member who, on or after Janu-
20 ary 8, 2002, is retired or separated for physical
21 disability under chapter 61 of this title.

22 “(2) SUBMISSION OF APPLICATIONS.—(A) Se-
23 lection of eligible members of the armed forces to
24 participate in the Program shall be made on the
25 basis of applications submitted to the Secretary

1 within the time periods specified in subparagraph
2 (B). An application shall be in such form and con-
3 tain such information as the Secretary may require.

4 “(B) In the case of an eligible member of the
5 armed forces described in subparagraph (A)(i), (B),
6 or (C) of paragraph (1), an application shall be con-
7 sidered to be submitted on a timely basis if the ap-
8 plication is submitted not later than three years
9 after the date on which the member is retired, sepa-
10 rated, or released from active duty, whichever ap-
11 plies to the member.

12 “(3) SELECTION CRITERIA; EDUCATIONAL
13 BACKGROUND REQUIREMENTS; HONORABLE SERVICE
14 REQUIREMENT.—(A) The Secretary shall prescribe
15 the criteria to be used to select eligible members of
16 the armed forces to participate in the Program.

17 “(B) If a member of the armed forces is apply-
18 ing for the Program to receive assistance for place-
19 ment as an elementary school or secondary school
20 teacher, the Secretary shall require the member to
21 have received a baccalaureate or advanced degree
22 from an accredited institution of higher education.

23 “(C) If a member of the armed forces is apply-
24 ing for the Program to receive assistance for place-

1 ment as a career or technical teacher, the Secretary
2 shall require the member—

3 “(i) to have received the equivalent of one
4 year of college from an accredited institution of
5 higher education or the equivalent in military
6 education and training as certified by the De-
7 partment of Defense; or

8 “(ii) to otherwise meet the certification or
9 licensing requirements for a career or technical
10 teacher in the State in which the member seeks
11 assistance for placement under the Program.

12 “(D) A member of the armed forces is eligible
13 to participate in the Program only if the member’s
14 last period of service in the armed forces was honor-
15 able, as characterized by the Secretary concerned. A
16 member selected to participate in the Program be-
17 fore the retirement of the member or the separation
18 or release of the member from active duty may con-
19 tinue to participate in the Program after the retire-
20 ment, separation, or release only if the member’s
21 last period of service is characterized as honorable
22 by the Secretary concerned.

23 “(4) SELECTION PRIORITIES.—In selecting eli-
24 gible members of the armed forces to receive assist-
25 ance under the Program, the Secretary—

1 “(A) shall give priority to members who—

2 “(i) have educational or military expe-
3 rience in science, mathematics, special edu-
4 cation, foreign language, or career or tech-
5 nical subjects; and

6 “(ii) agree to seek employment as
7 science, mathematics, foreign language, or
8 special education teachers in elementary
9 schools or secondary schools or in other
10 schools under the jurisdiction of a local
11 educational agency; and

12 “(B) may give priority to members who
13 agree to seek employment in a high-need school.

14 “(5) OTHER CONDITIONS ON SELECTION.—(A)
15 Subject to subsection (i), the Secretary may not se-
16 lect an eligible member of the armed forces to par-
17 ticipate in the Program and receive financial assist-
18 ance unless the Secretary has sufficient appropria-
19 tions for the Program available at the time of the
20 selection to satisfy the obligations to be incurred by
21 the United States under subsection (e) with respect
22 to the member.

23 “(B) The Secretary may not select an eligible
24 member of the armed forces described in paragraph
25 (1)(B)(i) to participate in the Program and receive

1 financial assistance under subsection (e) unless the
2 member executes a written agreement to serve as a
3 member of the Selected Reserve of a reserve compo-
4 nent of the armed forces for a period of not less
5 than three years.

6 “(e) PARTICIPATION AGREEMENT AND FINANCIAL
7 ASSISTANCE.—

8 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
9 gible member of the armed forces selected to partici-
10 pate in the Program under subsection (b) and to re-
11 ceive financial assistance under this subsection shall
12 be required to enter into an agreement with the Sec-
13 retary in which the member agrees—

14 “(i) within such time as the Secretary may
15 require, to meet the requirements necessary to
16 become a teacher in a school described in sub-
17 section (b)(2); and

18 “(ii) to accept an offer of full-time employ-
19 ment as an elementary school teacher, sec-
20 ondary school teacher, or career or technical
21 teacher for not less than three school years in
22 an eligible school to begin the school year after
23 obtaining that certification or licensing.

24 “(B) The Secretary may waive the three-year
25 commitment described in subparagraph (A)(ii) for a

1 participant if the Secretary determines such waiver
2 to be appropriate. If the Secretary provides the
3 waiver, the participant shall not be considered to be
4 in violation of the agreement and shall not be re-
5 quired to provide reimbursement under subsection
6 (f), for failure to meet the three-year commitment.

7 “(2) VIOLATION OF PARTICIPATION AGREE-
8 MENT; EXCEPTIONS.—A participant shall not be
9 considered to be in violation of the participation
10 agreement entered into under paragraph (1) during
11 any period in which the participant—

12 “(A) is pursuing a full-time course of
13 study related to the field of teaching at an in-
14 stitution of higher education;

15 “(B) is serving on active duty as a member
16 of the armed forces;

17 “(C) is temporarily totally disabled for a
18 period of time not to exceed three years as es-
19 tablished by sworn affidavit of a qualified physi-
20 cian;

21 “(D) is unable to secure employment for a
22 period not to exceed 12 months by reason of the
23 care required by a spouse who is disabled;

24 “(E) is unable to find full-time employ-
25 ment as a teacher in an eligible elementary

1 school or secondary school or as a career or
2 technical teacher for a single period not to ex-
3 ceed 27 months; or

4 “(F) satisfies the provisions of additional
5 reimbursement exceptions that may be pre-
6 scribed by the Secretary.

7 “(3) STIPEND AND BONUS FOR PARTICI-
8 PANTS.—(A) Subject to subparagraph (C), the Sec-
9 retary may pay to a participant a stipend to cover
10 expenses incurred by the participant to obtain the
11 required educational level, certification, or licensing.
12 Such stipend may not exceed \$5,000 and may vary
13 by participant.

14 “(B)(i) Subject to subparagraph (C), the Sec-
15 retary may pay a bonus to a participant who agrees
16 in the participation agreement under paragraph (1)
17 to accept full-time employment as an elementary
18 school teacher, secondary school teacher, or career
19 or technical teacher for not less than three school
20 years in an eligible school.

21 “(ii) The amount of the bonus may not exceed
22 \$5,000, unless the eligible school is a high-need
23 school, in which case the amount of the bonus may
24 not exceed \$10,000. Within such limits, the bonus
25 may vary by participant and may take into account

1 the priority placements as determined by the Sec-
2 retary.

3 “(C)(i) The total number of stipends that may
4 be paid under subparagraph (A) in any fiscal year
5 may not exceed 5,000.

6 “(ii) The total number of bonuses that may be
7 paid under subparagraph (B) in any fiscal year may
8 not exceed 3,000.

9 “(iii) A participant may not receive a stipend
10 under subparagraph (A) if the participant is eligible
11 for benefits under chapter 33 of title 38.

12 “(iv) The combination of a stipend under sub-
13 paragraph (A) and a bonus under subparagraph (B)
14 for any one participant may not exceed \$10,000.

15 “(4) TREATMENT OF STIPEND AND BONUS.—A
16 stipend or bonus paid under this subsection to a
17 participant shall be taken into account in deter-
18 mining the eligibility of the participant for Federal
19 student financial assistance provided under title IV
20 of the Higher Education Act of 1965 (20 U.S.C.
21 1070 et seq.).

22 “(f) REIMBURSEMENT UNDER CERTAIN CIR-
23 CUMSTANCES.—

24 “(1) REIMBURSEMENT REQUIRED.—A partici-
25 pant who is paid a stipend or bonus under this sub-

1 section shall be subject to the repayment provisions
2 of section 373 of title 37 under the following cir-
3 cumstances:

4 “(A) The participant fails to meet the re-
5 quirements necessary to become a teacher in a
6 school described in subsection (b)(2) or to ob-
7 tain employment as an elementary school teach-
8 er, secondary school teacher, or career or tech-
9 nical teacher as required by the participation
10 agreement under subsection (e)(1).

11 “(B) The participant voluntarily leaves, or
12 is terminated for cause from, employment as an
13 elementary school teacher, secondary school
14 teacher, or career or technical teacher during
15 the three years of required service in violation
16 of the participation agreement.

17 “(C) The participant executed a written
18 agreement with the Secretary concerned under
19 subsection (d)(5)(B) to serve as a member of a
20 reserve component of the armed forces for a pe-
21 riod of three years and fails to complete the re-
22 quired term of service.

23 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
24 pant required to reimburse the Secretary for a sti-
25 pend or bonus paid to the participant under sub-

1 section (e) shall pay an amount that bears the same
2 ratio to the amount of the stipend or bonus as the
3 unserved portion of required service bears to the
4 three years of required service.

5 “(3) INTEREST.—Any amount owed by a par-
6 ticipant under this subsection shall bear interest at
7 the rate equal to the highest rate being paid by the
8 United States on the day on which the reimburse-
9 ment is determined to be due for securities having
10 maturities of 90 days or less and shall accrue from
11 the day on which the participant is first notified of
12 the amount due.

13 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
14 QUIREMENT.—A participant shall be excused from
15 reimbursement under this subsection if the partici-
16 pant becomes permanently totally disabled as estab-
17 lished by sworn affidavit of a qualified physician.
18 The Secretary may also waive the reimbursement in
19 cases of extreme hardship to the participant, as de-
20 termined by the Secretary.

21 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
22 UNDER MONTGOMERY GI BILL.—Except as provided in
23 subsection (e)(3)(C)(iii), the receipt by a participant of a
24 stipend or bonus under subsection (e) shall not reduce or
25 otherwise affect the entitlement of the participant to any

1 benefits under chapter 30 or 33 of title 38 or chapter 1606
2 of this title.

3 “(h) PARTICIPATION BY STATES.—

4 “(1) DISCHARGE OF STATE ACTIVITIES
5 THROUGH CONSORTIA OF STATES.—The Secretary
6 may permit States participating in the Program to
7 carry out activities authorized for such States under
8 the Program through one or more consortia of such
9 States.

10 “(2) ASSISTANCE TO STATES.—(A) Subject to
11 subparagraph (B), the Secretary may make grants
12 to States participating in the Program, or to con-
13 sortia of such States, in order to permit such States
14 or consortia of States to operate offices for purposes
15 of recruiting eligible members of the armed forces
16 for participation in the Program and facilitating the
17 employment of participants as elementary school
18 teachers, secondary school teachers, and career or
19 technical teachers.

20 “(B) The total amount of grants made under
21 subparagraph (A) in any fiscal year may not exceed
22 \$5,000,000.

23 “(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGA-
24 TIONS.—The total amount obligated by the Secretary

1 under the Program for any fiscal year may not exceed
2 \$15,000,000.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by adding at the end the following new item:

“1154. Assistance to eligible members and former members to obtain employ-
ment as teachers: Troops-to-Teachers Program.”.

6 (c) CONFORMING AMENDMENT.—Section
7 1142(b)(4)(C) of such title is amended by striking “under
8 section 2302” and all that follows through “6672”).

9 (d) TERMINATION OF DEPARTMENT OF EDUCATION
10 TROOPS-TO-TEACHERS PROGRAM.—

11 (1) TERMINATION.—Subject to paragraph (3),
12 chapter A of subpart 1 of part C of title II of the
13 Elementary and Secondary Education Act of 1965
14 (20 U.S.C. 6671 et seq.) is repealed.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents in section 2 of the Elementary and Secondary
17 Education Act of 1965 is amended by striking the
18 items relating to chapter A of subpart 1 of part C
19 of title II of such Act.

20 (3) EXISTING AGREEMENTS.—The repeal of
21 chapter A of subpart 1 of part C of title II of the
22 Elementary and Secondary Education Act of 1965
23 (20 U.S.C. 6671 et seq.) by paragraph (1) shall not
24 affect—

1 (A) the validity or terms of any agreement
2 entered into under such chapter, as in effect
3 immediately before such repeal, before the ef-
4 fective date of the transfer of the Troops-to-
5 Teachers Program under subsection (a); or

6 (B) the authority to pay assistance, make
7 grants, or obtain reimbursement in connection
8 with such an agreement as in effect before the
9 effective date of the transfer of the Troops-to-
10 Teachers Program under subsection (a).

11 **SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND**
12 **PHYSICAL FITNESS PROGRAMS.**

13 (a) IN GENERAL.—Chapter 603 of title 10, United
14 States Code, is amended by adding at the end the fol-
15 lowing new section:

16 **“§ 6981. Support of athletic and physical fitness pro-**
17 **grams**

18 “(a) AUTHORITY.—

19 “(1) CONTRACTS AND COOPERATIVE AGREE-
20 MENTS.—The Secretary of the Navy may enter into
21 contracts and cooperative agreements with the Naval
22 Academy Athletic Association for the purpose of
23 supporting the athletic and physical fitness pro-
24 grams of the Naval Academy. Notwithstanding sec-
25 tion 2304(k) of this title, the Secretary may enter

1 such contracts or cooperative agreements on a sole
2 source basis pursuant to section 2304(c)(5) of this
3 title. Notwithstanding chapter 63 of title 31, a coop-
4 erative agreement under this section may be used to
5 acquire property or services for the direct benefit or
6 use of the Naval Academy.

7 “(2) LEASES.—The Secretary may enter into
8 leases, in accordance with section 2667 of this title,
9 or licenses with the Association for the purpose of
10 supporting the athletic and physical fitness pro-
11 grams of the Naval Academy. Any such lease or li-
12 cense shall be deemed to satisfy the conditions of
13 section 2667(h)(2) of this title.

14 “(b) USE OF NAVY PERSONAL PROPERTY BY THE
15 ASSOCIATION.—The Secretary may allow the Association
16 to use, at no cost, personal property of the Department
17 of the Navy to assist the Association in supporting the
18 athletic and physical fitness programs of the Naval Acad-
19 emy.

20 “(c) ACCEPTANCE OF SUPPORT.—

21 “(1) SUPPORT RECEIVED FROM THE ASSOCIA-
22 TION.—Notwithstanding section 1342 of title 31, the
23 Secretary may accept from the Association funds,
24 supplies, and services for the support of the athletic
25 and physical fitness programs of the Naval Acad-

1 emy. For purposes of this section, employees or per-
2 sonnel of the Association may not be considered to
3 be employees of the United States.

4 “(2) FUNDS RECEIVED FROM NCAA.—The Sec-
5 retary may accept funds from the National Colle-
6 giate Athletic Association to support the athletic and
7 physical fitness programs of the Naval Academy.

8 “(3) LIMITATION.—The Secretary shall ensure
9 that contributions under this subsection do not re-
10 flect unfavorably on the ability of the Department of
11 the Navy, any of its employees, or any member of
12 the armed forces to carry out any responsibility or
13 duty in a fair and objective manner, or compromise
14 the integrity or appearance of integrity of any pro-
15 gram of the Department of the Navy, or any indi-
16 vidual involved in such a program.

17 “(d) RETENTION AND USE OF FUNDS.—Notwith-
18 standing section 2260(d) of this title, funds received under
19 this section may be retained for use in support of athletic
20 and physical fitness programs of the Naval Academy and
21 shall remain available until expended.

22 “(e) TRADEMARKS AND SERVICE MARKS.—

23 “(1) LICENSING, MARKETING, AND SPONSOR-
24 SHIP AGREEMENTS.—An agreement under sub-
25 section (a)(1) may, consistent with sections 2260

1 (other than subsection (d)) and 5022(b)(3) of this
2 title, authorize the Association to enter into licens-
3 ing, marketing, and sponsorship agreements relating
4 to trademarks and service marks identifying the
5 Naval Academy, subject to the approval of the De-
6 partment of the Navy.

7 “(2) LIMITATIONS.—No such licensing, mar-
8 keting, or sponsorship agreement may be entered
9 into if it would reflect unfavorably on the ability of
10 the Department of the Navy, any of its employees,
11 or any member of the armed forces to carry out any
12 responsibility or duty in a fair and objective manner,
13 or if the Secretary determines that the use of the
14 trademark or service mark would compromise the in-
15 tegrity or appearance of integrity of any program of
16 the Department of the Navy, or any individual in-
17 volved in such a program.

18 “(f) SERVICE ON ASSOCIATION BOARD OF CON-
19 TROL.—The Association is a designated entity for which
20 authorization under sections 1033(a) and 1589(a) of this
21 title may be provided.

22 “(g) CONDITIONS.—The authority provided in this
23 section with respect to the Association is available only
24 so long as the Association continues to—

1 “(1) qualify as a nonprofit organization under
2 section 501(c)(3) of the Internal Revenue Code of
3 1986 and operates in accordance with this section,
4 the laws of the State of Maryland, and the constitu-
5 tion and bylaws of the Association; and

6 “(2) operate exclusively to support the athletic
7 and physical fitness programs of the Naval Acad-
8 emy.

9 “(h) ASSOCIATION DEFINED.—In this section, the
10 term ‘Association’ means the Naval Academy Athletic As-
11 sociation.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by adding
14 at the end the following new item:

 “6981. Support of athletic and physical fitness programs.”.

15 **SEC. 543. EXPANSION OF DEPARTMENT OF DEFENSE PILOT**
16 **PROGRAM ON RECEIPT OF CIVILIAN**
17 **CREDENTIALING FOR MILITARY OCCUPA-**
18 **TIONAL SPECIALTY SKILLS.**

19 (a) EXPANSION OF PROGRAM.—Subsection (b)(1) of
20 section 558 of the National Defense Authorization Act for
21 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1418;
22 10 U.S.C. 2015 note) is amended by striking “or more
23 than five”.

1 (b) USE OF INDUSTRY-RECOGNIZED CERTIFI-
2 CATIONS.—Subsection (b) of such section is further
3 amended—

4 (1) by striking “and” at the end of paragraph
5 (1);

6 (2) by redesignating paragraph (2) as para-
7 graph (3); and

8 (3) by inserting after paragraph (1) the fol-
9 lowing new paragraph:

10 “(2) consider utilizing industry-recognized cer-
11 tifications or licensing standards for civilian occupa-
12 tional skills comparable to the specialties or codes so
13 designated; and”.

14 **SEC. 544. STATE CONSIDERATION OF MILITARY TRAINING**
15 **IN GRANTING CERTAIN STATE CERTIFI-**
16 **CATIONS AND LICENSES AS A CONDITION ON**
17 **THE RECEIPT OF FUNDS FOR VETERANS EM-**
18 **PLOYMENT AND TRAINING.**

19 (a) IN GENERAL.—Section 4102A(c) of title 38,
20 United States Code, is amended by adding at the end the
21 following new paragraph:

22 “(9)(A) As a condition of a grant or contract under
23 which funds are made available to a State in order to carry
24 out section 4103A or 4104 of this title for any program
25 year, the Secretary may require the State—

1 “(i) to demonstrate that when the State ap-
2 proves or denies a certification or license described
3 in subparagraph (B) for a veteran the State takes
4 into consideration any training received or experi-
5 ence gained by the veteran while serving on active
6 duty in the Armed Forces; and

7 “(ii) to disclose to the Secretary in writing the
8 following:

9 “(I) Criteria applicants must satisfy to re-
10 ceive a certification or license described in sub-
11 paragraph (B) by the State.

12 “(II) A description of the standard prac-
13 tices of the State for evaluating training re-
14 ceived by veterans while serving on active duty
15 in the Armed Forces and evaluating the docu-
16 mented work experience of such veterans during
17 such service for purposes of approving or deny-
18 ing a certification or license described in sub-
19 paragraph (B).

20 “(III) Identification of areas in which
21 training and experience described in subclause
22 (II) fails to meet criteria described in subclause
23 (I).”

24 “(B) A certification or license described in this sub-
25 paragraph is any of the following:

1 “(i) A license to be a nonemergency medical
2 professional.

3 “(ii) A license to be an emergency medical pro-
4 fessional.

5 “(iii) A commercial driver’s license.

6 “(C) The Secretary shall share the information the
7 Secretary receives under subparagraph (A)(ii) with the
8 Secretary of Defense to help the Secretary of Defense im-
9 prove training for military occupational specialties so that
10 individuals who receive such training are able to receive
11 a certification or license described in subparagraph (B)
12 from a State.

13 “(D) The Secretary shall publish on the Internet
14 website of the Department available to the public—

15 “(i) any guidance the Secretary gives the Sec-
16 retary of Defense with respect to carrying out this
17 section; and

18 “(ii) any information the Secretary receives
19 from a State pursuant to subparagraph (A).”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall apply with respect to a program year
22 beginning on or after the date of the enactment of this
23 Act.

1 **SEC. 545. DEPARTMENT OF DEFENSE REVIEW OF ACCESS**
2 **TO MILITARY INSTALLATIONS BY REP-**
3 **RESENTATIVES OF INSTITUTIONS OF HIGHER**
4 **EDUCATION.**

5 (a) REVIEW REQUIRED.—The Secretary of Defense
6 shall conduct a review to assess the extent of access that
7 representatives of institutions of higher education have to
8 military installations.

9 (b) ELEMENTS OF REVIEW.—The review required by
10 subsection (a) shall include, at a minimum, an assessment
11 of the following:

12 (1) The policies and procedures that govern the
13 availability and the degree to which representatives
14 of institutions of higher education obtain access to
15 military installations for marketing and recruitment
16 purposes to members of the Armed Forces and their
17 families.

18 (2) The extent to which persons employed by
19 institutions of higher education who have authorized
20 access to military installations are engaged in the
21 unauthorized or inappropriate marketing of products
22 and services to members of the Armed Forces
23 through such access.

24 (3) The policies and regulations that are in ef-
25 fect to prevent inappropriate marketing of edu-
26 cational products and services on military installa-

1 tions and the effectiveness or shortcomings, and the
2 adequacy of the enforcement, of those policies and
3 regulations.

4 (c) REPORT.—Not later than 270 days after the date
5 of enactment of this Act, the Secretary of Defense shall
6 submit to the Committees on Armed Services of the Sen-
7 ate and the House of Representatives a report containing
8 the results of the review required by subsection (a). The
9 report shall include any recommendations for statutory or
10 regulatory change that the Secretary considers appro-
11 priate to enhance the protection of members of the Armed
12 Forces from inappropriate marketing and recruitment on
13 military installations by representatives of institutions of
14 higher education.

15 **SEC. 546. REPORT ON DEPARTMENT OF DEFENSE EFFORTS**
16 **TO STANDARDIZE EDUCATIONAL TRAN-**
17 **SCRIPTS ISSUED TO SEPARATING MEMBERS**
18 **OF THE ARMED FORCES.**

19 (a) REPORT REQUIRED.—Not later than 180 days
20 after the date of the enactment of this Act, the Secretary
21 of Defense shall submit to the Committees on Armed Serv-
22 ices of the Senate and the House of Representatives a re-
23 port on the efforts of the Department of Defense to stand-
24 ardize the educational transcripts issued to members of

1 the Armed Forces on their separation from the Armed
2 Forces.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall include the following:

5 (1) A description of the similarities and dif-
6 ferences between the educational transcripts issued
7 to members separating from the each of the Armed
8 Forces.

9 (2) A description of any assessments done by
10 the Department, or in conjunction with educational
11 institutions, to identify shortcomings in the tran-
12 scripts issued to separating members in connection
13 with their ability to qualify for civilian educational
14 credits.

15 (3) A description of the implementation plan
16 for the Joint Services Transcript, including a sched-
17 ule and the elements of existing educational tran-
18 scripts to be incorporated into the Joint Services
19 Transcript.

20 **SEC. 547. COMPTROLLER GENERAL OF THE UNITED**
21 **STATES REPORTS ON JOINT PROFESSIONAL**
22 **MILITARY EDUCATION MATTERS.**

23 (a) REPORT ON REVIEW OF MILITARY EDUCATION
24 COORDINATION COUNCIL REPORT.—

1 (1) REVIEW OF METHODOLOGY.—The Comp-
2 troller General of the United States shall review the
3 methodology used by the Military Education Coordi-
4 nation Council in compiling the report on joint pro-
5 fessional military education that is to be submitted
6 to the Director of Joint Force Development by
7 March 1, 2013, pursuant to the Joint Staff Memo-
8 randum, Joint Staff Review, dated July 16, 2012.
9 The review shall include an examination of the ana-
10 lytical approach used by the Council for that report,
11 including the types of information considered, the
12 cost savings identified, the benefits of options con-
13 sidered, the time frames for implementation, and
14 transparency.

15 (2) REPORT.—Not later than 90 days after re-
16 ceiving from the Director of Joint Force Develop-
17 ment the report described in paragraph (1), the
18 Comptroller General shall submit to the Committees
19 on Armed Services of the Senate and the House of
20 Representatives a report on the review under para-
21 graph (1) of the report described in that paragraph.
22 The report of the Comptroller General under this
23 paragraph shall set forth the following:

24 (A) The results of the review under para-
25 graph (1).

1 (B) Such recommendations as the Comp-
2 troller General considers appropriate in light of
3 the results of the review.

4 (b) REPORT ON JOINT PROFESSIONAL MILITARY
5 EDUCATION RESEARCH INSTITUTIONS.—

6 (1) REPORT REQUIRED.—Not later than Janu-
7 ary 31, 2014, the Comptroller General of the United
8 States shall submit to the congressional defense
9 committees a report setting forth the assessment by
10 the Comptroller General of the work performed by
11 joint professional military education research institu-
12 tions in support of professional military education
13 and the broader mission of the Department of De-
14 fense, the military departments, and the Defense
15 Agencies.

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include an assessment of the fol-
18 lowing:

19 (A) The systems, mechanisms, and struc-
20 tures within the senior and intermediate joint
21 professional military education colleges and uni-
22 versities for oversight, governance, and manage-
23 ment of the joint professional military education
24 research institutions, including systems, mecha-

1 nisms, and structures relating to the develop-
2 ment of policies and budgets for research.

3 (B) The factors contributing to and the ex-
4 tent of growth in the number and size of joint
5 professional military education research institu-
6 tions since 2000.

7 (C) The causes and extent of cost growth
8 at joint professional military education research
9 institutions since 2000.

10 (D) The focus of research activity con-
11 ducted by the joint professional military edu-
12 cation research institutions, and the extent to
13 which each joint professional military education
14 research institution performs a unique research
15 function or engages in similar or duplicative ef-
16 forts with other components or elements of the
17 Department of Defense.

18 (E) The measures of effectiveness used by
19 the joint professional military education re-
20 search institutions, the senior and intermediate
21 joint professional military education colleges
22 and universities, and other oversight entities to
23 evaluate the performance of the joint profes-
24 sional military education research institutions
25 in meeting established goals or objectives.

1 (3) DEFINITIONS.—In this subsection:

2 (A) The term “joint professional military
3 education research institutions” means subordi-
4 nate organizations (including centers, institutes,
5 and schools) under the senior and intermediate
6 joint professional military education colleges
7 and universities for which research is the pri-
8 mary mission or reason for existence.

9 (B) The term “senior and intermediate
10 joint professional military education colleges
11 and universities” means the following:

12 (i) The National Defense University.

13 (ii) The Army War College.

14 (iii) The Navy War College.

15 (iv) The Air University.

16 (v) The Air War College.

17 (vi) The Marine Corp University.

18 **Subtitle F—Reserve Officers’ Train-**
19 **ing Corps and Related Matters**

20 **SEC. 551. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR**
21 **IN-STATE TUITION OF AT LEAST 50 PERCENT**
22 **OF PARTICIPANTS IN SENIOR RESERVE OFFI-**
23 **CERS’ TRAINING CORPS PROGRAM.**

24 Section 2107(c)(1) of title 10, United States Code,
25 is amended by striking the third sentence.

1 **SEC. 552. CONSOLIDATION OF MILITARY DEPARTMENT AU-**
2 **THORITY TO ISSUE ARMS, TENTAGE, AND**
3 **EQUIPMENT TO EDUCATIONAL INSTITUTIONS**
4 **NOT MAINTAINING UNITS OF JUNIOR RE-**
5 **SERVE OFFICERS' TRAINING CORPS.**

6 (a) CONSOLIDATION.—Chapter 102 of title 10,
7 United States Code, is amended by adding at the end the
8 following new section:

9 **“§ 2034. Educational institutions not maintaining**
10 **units of Junior Reserve Officers' Training**
11 **Corps: issuance of arms, tentage, and**
12 **equipment**

13 “The Secretary of a military department may issue
14 arms, tentage, and equipment to an educational institution
15 at which no unit of the Junior Reserve Officers' Training
16 Corps is maintained if the educational institution—

17 “(1) offers a course in military training pre-
18 scribed by that Secretary; and

19 “(2) has a student body of at least 50 students
20 who are in a grade above the eighth grade.”.

21 (b) REPEAL OF SEPARATE AUTHORITIES.—Sections
22 4651, 7911, and 9651 of such title are repealed.

23 (c) CLERICAL AMENDMENTS.—

24 (1) CONSOLIDATED AUTHORITY.—The table of
25 sections at the beginning of chapter 102 of such title

1 is amended by adding at the end the following new
2 item:

“2034. Educational institutions not maintaining units of Junior Reserve Officers’ Training Corps: issuance of arms, tentage, and equipment.”.

3 (2) ARMY AUTHORITY.—The table of sections
4 at the beginning of chapter 441 of such title is
5 amended by striking the item relating to section
6 4651.

7 (3) NAVY AUTHORITY.—The table of sections at
8 the beginning of chapter 667 of such title is amend-
9 ed by striking the item relating to section 7911.

10 (4) AIR FORCE AUTHORITY.—The table of sec-
11 tions at the beginning of chapter 941 of such title
12 is amended by striking the item relating to section
13 9651.

14 **SEC. 553. MODIFICATION OF REQUIREMENTS ON PLAN TO**
15 **INCREASE THE NUMBER OF UNITS OF THE**
16 **JUNIOR RESERVE OFFICERS’ TRAINING**
17 **CORPS.**

18 (a) NUMBER OF UNITS COVERED BY PLAN.—Sub-
19 section (a) of section 548 of the Duncan Hunter National
20 Defense Authorization Act for Fiscal Year 2009 (Public
21 Law 110–417; 122 Stat. 4466) is amended by striking
22 “not less than 3,700 units” and inserting “not less than
23 3,000, and not more than 3,700, units”.

1 (b) ADDITIONAL EXCEPTION.—Subsection (b) of
2 such section is amended—

3 (1) in paragraph (1), by striking “or” at the
4 end;

5 (2) in paragraph (2), by striking the period at
6 the end and inserting “; or”; and

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

9 “(3) if the Secretaries of the military depart-
10 ments determine that the level of support of all
11 kinds (including appropriated funds) provided to
12 youth development programs within the Armed
13 Forces is consistent with funding limitations and the
14 achievement of the objectives of such programs.”.

15 (c) SUBMITTAL OF REVISED PLAN AND IMPLEMEN-
16 TATION REPORTS.—Subsection (e) of such section is
17 amended to read as follows:

18 “(e) TIME FOR SUBMISSION.—Not later than March
19 31, 2013, the Secretary of Defense shall submit to the
20 congressional defense committees a revised plan under
21 subsection (a) to reflect amendments made to subsections
22 (a) and (b) during fiscal year 2013 and a new report
23 under subsection (d) to address the revised plan. The Sec-
24 retary shall submit an updated report not later than
25 March 31 of each of 2015, 2018, and 2020.”.

1 **SEC. 554. COMPTROLLER GENERAL REPORT ON RESERVE**
2 **OFFICERS' TRAINING CORPS PROGRAMS.**

3 (a) REPORT REQUIRED.—Not later than 270 days
4 after the date of the enactment of this Act, the Comp-
5 troller General of the United States shall submit to the
6 congressional defense committees a report setting forth
7 the assessment of the Comptroller General regarding the
8 following:

9 (1) Whether the Reserve Officers' Training
10 Corps (ROTC) programs of the military depart-
11 ments are effectively meeting, and structured to
12 meet, current and projected requirements for newly
13 commissioned officers in the Armed Forces.

14 (2) The cost-effectiveness and unit productivity
15 of the current Reserve Officers' Training Corps pro-
16 grams.

17 (3) The adequacy of current oversight and cri-
18 teria for the establishment and disestablishment of
19 units of the Reserve Officers' Training Corps.

20 (b) ELEMENTS.—The report required by subsection
21 (a) shall include, at a minimum, the following:

22 (1) A list of the units of the Reserve Officers'
23 Training Corps by Armed Force, and by college or
24 university, and the number of cadets and mid-
25 shipman currently enrolled by class or year group.

1 (2) The number of officers commissioned in
2 2012 from the Reserve Officers' Training Corps pro-
3 grams, and the number projected to be commis-
4 sioned over the period of the current future-years
5 defense program under section 221 of title 10,
6 United States Code, from each unit listed under
7 paragraph (1).

8 (3) An assessment of the requirements of each
9 Armed Force for newly commissioned officers in
10 2012 and the strategic planning regarding such re-
11 quirements over the period of the current future-
12 years defense program.

13 (4) The number of military and civilian per-
14 sonnel of the Department of Defense assigned to
15 lead and manage units of the Reserve Officers'
16 Training Corps, and the grades of the military per-
17 sonnel so assigned.

18 (5) An assessment of Department of Defense-
19 wide and Armed-Force specific standards regarding
20 the productivity of units of the Reserve Officers'
21 Training Corps, and an assessment of compliance
22 with such standards.

23 (6) An assessment of the projected use by the
24 Armed Forces of the procedures available to the
25 Armed Forces to respond to overages in the number

1 of cadets and midshipmen in the Reserve Officers'
2 Training Corps programs.

3 (7) A description of the plans of the Armed
4 Forces to retain or disestablish units of the Reserve
5 Officers' Training Corps that do not meet produc-
6 tivity standards.

7 **Subtitle G—Defense Dependents'**
8 **Education and Military Family**
9 **Readiness**

10 **SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
11 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
12 **PENDENTS OF MEMBERS OF THE ARMED**
13 **FORCES AND DEPARTMENT OF DEFENSE CI-**
14 **VILIAN EMPLOYEES.**

15 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
16 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
17 amount authorized to be appropriated for fiscal year 2013
18 by section 301 and available for operation and mainte-
19 nance for Defense-wide activities as specified in the fund-
20 ing table in section 4301, \$25,000,000 shall be available
21 only for the purpose of providing assistance to local edu-
22 cational agencies under subsection (a) of section 572 of
23 the National Defense Authorization Act for Fiscal Year
24 2006 (Public Law 109–163; 20 U.S.C. 7703b).

1 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
2 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
3 CHANGES, OR FORCE RELOCATIONS.—

4 (1) EXTENSION OF AUTHORITY TO PROVIDE AS-
5 SISTANCE.—Section 572(b)(4) of the National De-
6 fense Authorization Act for Fiscal Year 2006 (20
7 U.S.C. 7703b(b)(4)) is amended by striking “Sep-
8 tember 30, 2012” and inserting “September 30,
9 2014”.

10 (2) AMOUNT OF ASSISTANCE AUTHORIZED.—Of
11 the amount authorized to be appropriated for fiscal
12 year 2013 by section 301 and available for operation
13 and maintenance for Defense-wide activities as spec-
14 ified in the funding table in section 4301,
15 \$5,000,000 shall be available only for the purpose of
16 providing assistance to local educational agencies
17 under subsection (b) of section 572 of the National
18 Defense Authorization Act for Fiscal Year 2006 (20
19 U.S.C. 7703b).

20 (c) REPEAL OF OBSOLETE FUNDING REFERENCE.—
21 Section 572 of the National Defense Authorization Act for
22 Fiscal Year 2006 (20 U.S.C. 7703b) is amended—

23 (1) by striking subsection (e); and

24 (2) by redesignating subsection (f) as sub-
25 section (e).

1 (d) LOCAL EDUCATIONAL AGENCY DEFINED.—In
2 this section, the term “local educational agency” has the
3 meaning given that term in section 8013(9) of the Ele-
4 mentary and Secondary Education Act of 1965 (20 U.S.C.
5 7713(9)).

6 **SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
7 **ABILITIES.**

8 Of the amount authorized to be appropriated for fis-
9 cal year 2013 pursuant to section 301 and available for
10 operation and maintenance for Defense-wide activities as
11 specified in the funding table in section 4301, \$5,000,000
12 shall be available for payments under section 363 of the
13 Floyd D. Spence National Defense Authorization Act for
14 Fiscal Year 2001 (as enacted into law by Public Law 106–
15 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

16 **SEC. 563. AMENDMENTS TO THE IMPACT AID PROGRAM.**

17 (a) SHORT TITLE.—This section may be cited as the
18 “Impact Aid Improvement Act of 2012”.

19 (b) AMENDMENTS TO THE IMPACT AID PROGRAM.—
20 Title VIII of the Elementary and Secondary Education
21 Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

22 (1) in section 8002 (20 U.S.C. 7702)—

23 (A) in subsection (a)—

24 (i) by striking “for a fiscal year end-
25 ing prior to October 1, 2003”; and

1 (ii) by inserting “or (h)” after “sub-
2 section (b)”;

3 (B) in subsection (b)—

4 (i) in paragraph (2), by striking “ag-
5 gregate assessed” and inserting “estimated
6 taxable”; and

7 (ii) by striking paragraph (3) and in-
8 serting the following:

9 “(3) DETERMINATION OF TAXABLE VALUE FOR
10 ELIGIBLE FEDERAL PROPERTY.—

11 “(A) IN GENERAL.—In determining the es-
12 timated taxable value of such acquired Federal
13 property for fiscal year 2010 and each suc-
14 ceeding fiscal year, the Secretary shall—

15 “(i) first determine the total taxable
16 value for the purpose of levying property
17 tax for school purposes for current expend-
18 itures of real property located within the
19 boundaries of such local educational agen-
20 cy;

21 “(ii) then determine the per acre
22 value of the eligible Federal property by di-
23 viding the total taxable value as deter-
24 mined in clause (i) by the difference be-
25 tween the total acres located within the

1 boundaries of the local educational agency
2 and the number of Federal acres eligible
3 under this section; and

4 “(iii) then determine the total taxable
5 value of the eligible Federal property by
6 multiplying the per acre value as calculated
7 under clause (ii) by the number of Federal
8 acres eligible under this section.

9 “(B) SPECIAL RULE.—In the case of Fed-
10 eral property eligible under this section that is
11 within the boundaries of 2 or more local edu-
12 cational agencies, such a local educational agen-
13 cy may ask the Secretary to calculate the per
14 acre value of each such local educational agency
15 as provided under subparagraph (A) and apply
16 the average of these per acre values to the acres
17 of the Federal property in such agency.”; and

18 (C) in subsection (h)—

19 (i) in paragraph (1)—

20 (I) in the paragraph heading, by
21 striking “FOR PRE-1995 RECIPIENTS ”
22 and inserting “FOR PRE-2010 RECIPI-
23 ENTS”; and

1 (II) by striking subparagraphs
2 (A) and (B) and inserting the fol-
3 lowing:

4 “(A) IN GENERAL.—The Secretary shall
5 first make a foundation payment to each local
6 educational agency that is determined by the
7 Secretary to be eligible to receive a payment
8 under this section for the fiscal year involved
9 and that filed a timely application, and met, or
10 has been determined by statute to meet, the eli-
11 gibility requirements of subsection (a) for fiscal
12 year 2009.

13 “(B) AMOUNT.—

14 “(i) IN GENERAL.—The amount of a
15 payment under subparagraph (A) for a
16 local educational agency shall be equal to
17 the greater of 90 percent of the payment
18 the local educational agency received from
19 dollars appropriated for fiscal year 2009 or
20 90 percent of the average payment that
21 the local educational agency received from
22 dollars appropriated for fiscal years 2006,
23 2007, 2008, and 2009, and shall be cal-
24 culated without regard to the maximum
25 payment provisions in subsection (b)(1)(C).

1 “(ii) EXCEPTION.—In calculating
2 such average payment for a local edu-
3 cational agency that did not receive a pay-
4 ment under subsection (b) for 1 or more of
5 the fiscal years between fiscal year 2006
6 and 2009, inclusive, the lowest such pay-
7 ment made to the agency for fiscal year
8 2006, 2007, 2008, or 2009, shall be treat-
9 ed as the payment that the agency received
10 under subsection (b) for each fiscal year
11 for which the agency did not receive such
12 a payment.”; and

13 (ii) by striking paragraphs (2)
14 through (4) and inserting the following:

15 “(2) FOUNDATION PAYMENTS FOR NEW APPLI-
16 CANTS.—

17 “(A) FIRST YEAR.—From any amounts re-
18 maining after making payments under para-
19 graph (1) and subsection (i)(1) for the fiscal
20 year involved, the Secretary shall make a pay-
21 ment, in an amount determined in accordance
22 with subparagraph (C), to each local edu-
23 cational agency that the Secretary determines
24 eligible for a payment under this section for a
25 fiscal year after fiscal year 2009 and that did

1 not receive a payment under paragraph (1) for
2 the fiscal year for which such agency was deter-
3 mined eligible for such payment.

4 “(B) SECOND AND SUCCEEDING YEARS.—
5 For any succeeding fiscal year after the first
6 fiscal year that a local educational agency re-
7 ceives a foundation payment under subpara-
8 graph (A), the amount of the local educational
9 agency’s foundation payment under this para-
10 graph for such succeeding fiscal year shall be
11 equal to the local educational agency’s founda-
12 tion payment under this paragraph for the first
13 fiscal year.

14 “(C) AMOUNTS.—The amount of a pay-
15 ment under subparagraph (A) for a local edu-
16 cational agency shall be determined as follows:

17 “(i) Calculate the local educational
18 agency’s maximum payment under sub-
19 section (b).

20 “(ii) Calculate the percentage that the
21 amount appropriated under section
22 8014(a) for the most recent fiscal year for
23 which the Secretary has completed making
24 payments under this section is of the total
25 maximum payments for such fiscal year for

1 all local educational agencies eligible for a
2 payment under subsection (b) and multiply
3 the agency's maximum payment by such
4 percentage.

5 “(iii) Multiply the amount determined
6 under clause (ii) by 90 percent.

7 “(D) INSUFFICIENT FUNDS.—If the
8 amount appropriated under section 8014(a) of
9 this title is insufficient to pay the full amount
10 determined under this paragraph for all eligible
11 local educational agencies for the fiscal year,
12 then the Secretary shall ratably reduce the pay-
13 ment to each local educational agency under
14 this paragraph.

15 “(3) REMAINING FUNDS.—From any funds re-
16 maining after making payments under paragraphs
17 (1) and (2) for the fiscal year involved, the Sec-
18 retary shall make a payment to each local edu-
19 cational agency that received a foundation payment
20 under paragraph (1) or (2) or subsection (i)(1), for
21 the fiscal year involved in an amount that bears the
22 same relation to the remainder as a percentage
23 share determined for the local educational agency
24 (by dividing the maximum amount that the agency
25 is eligible to receive under subsection (b) by the total

1 of the maximum amounts for all such agencies)
2 bears to the percentage share determined (in the
3 same manner) for all local educational agencies eligi-
4 ble to receive a payment under this section for the
5 fiscal year involved, except that, for the purpose of
6 calculating a local educational agency's maximum
7 amount under subsection (b), data from the most
8 current fiscal year shall be used.

9 “(4) DATA.—For each local educational agency
10 that received a payment under this section for fiscal
11 year 2010 through the fiscal year in which the Im-
12 pact Aid Improvement Act of 2012 is enacted, the
13 Secretary shall not make a payment under para-
14 graph (3) to a local educational agency that fails to
15 submit, within 60 days of the date the Secretary no-
16 tifies the agency that the information is needed, the
17 data necessary to calculate the maximum amount of
18 a payment under subsection (b) for that local edu-
19 cational agency.”;

20 (2) by striking section 8003(a)(4) (20 U.S.C.
21 7703(a)(4)) and inserting the following:

22 “(4) MILITARY INSTALLATION AND INDIAN
23 HOUSING UNDERGOING RENOVATION OR REBUILD-
24 ING.—

1 “(A) MILITARY INSTALLATION HOUSING.—
2 Beginning in fiscal year 2014, in determining
3 the amount of a payment for a local educational
4 agency for children described in paragraph
5 (1)(D)(i), the Secretary shall consider those
6 children as if they were children described in
7 paragraph (1)(B) if the Secretary determines,
8 on the basis of a certification provided to the
9 Secretary by a designated representative of the
10 Secretary of Defense, that those children would
11 have resided in housing on Federal property if
12 the housing was not undergoing renovation or
13 rebuilding. The total number of children treated
14 as children described in paragraph (1)(B) shall
15 not exceed the lesser of—

16 “(i) the total number of children eligi-
17 ble under paragraph (1)(B) for the year
18 prior to the initiation of the housing
19 project on Federal property undergoing
20 renovation or rebuilding; or

21 “(ii) the total number of Federally
22 connected children enrolled at the local
23 educational agency as stated in the appli-
24 cation filed for the payment for the year
25 for which the determination is made.

1 “(B) INDIAN LANDS.—Beginning in fiscal
2 year 2014, in determining the amount of a pay-
3 ment for a local educational agency that re-
4 ceived a payment for children that resided on
5 Indian lands in accordance with paragraph
6 (1)(C) for the fiscal year prior to the fiscal year
7 for which the local educational agency is mak-
8 ing an application, the Secretary shall consider
9 those children to be children described in para-
10 graph (1)(C) if the Secretary determines on the
11 basis of a certification provided to the Secretary
12 by a designated representative of the Secretary
13 of the Interior or the Secretary of Housing and
14 Urban Development that those children would
15 have resided in housing on Indian lands if the
16 housing was not undergoing renovation or re-
17 building. The total number of children treated
18 as children described in paragraph (1)(C) shall
19 not exceed the lessor of—

20 “(i) the total number of children eligi-
21 ble under paragraph (1)(C) for the year
22 prior to the initiation of the housing
23 project on Indian lands undergoing renova-
24 tion or rebuilding; or

1 “(ii) the total number of Federally
2 connected children enrolled at the local
3 educational agency as stated in the appli-
4 cation filed for the payment for the year
5 for which the determination is made.

6 “(C) ELIGIBLE HOUSING.—Renovation or
7 rebuilding shall be defined as projects consid-
8 ered as capitalization, modernization, or res-
9 toration, as defined by the Secretary of Defense
10 or the Secretary of the Interior (as the case
11 may be) and are projects that last more than
12 30 days, but do not include ‘sustainment
13 projects’ such as painting, carpeting, or minor
14 repairs.”; and

15 (3) in section 8010 (20 U.S.C. 7710)—

16 (A) in subsection (c)(1), by striking “para-
17 graph (3) of this subsection” both places the
18 term appears and inserting “paragraph (2)”;
19 and

20 (B) by adding at the end the following:

21 “(d) TIMELY PAYMENTS.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
23 the Secretary shall pay a local educational agency
24 the full amount that the agency is eligible to receive
25 under this title for a fiscal year not later than Sep-

1 tember 30 of the second fiscal year following the fis-
2 cal year for which such amount has been appro-
3 priated if, not later than 1 calendar year following
4 the fiscal year in which such amount has been ap-
5 propriated, such local educational agency submits to
6 the Secretary all the data and information necessary
7 for the Secretary to pay the full amount that the
8 agency is eligible to receive under this title for such
9 fiscal year.

10 “(2) PAYMENTS WITH RESPECT OF FISCAL
11 YEARS IN WHICH INSUFFICIENT FUNDS ARE APPRO-
12 PRIATED.—For a fiscal year in which the amount
13 appropriated under section 8014 is insufficient to
14 pay the full amount a local educational agency is eli-
15 gible to receive under this title, paragraph (1) shall
16 be applied by substituting ‘is available to pay the
17 agency’ for ‘the agency is eligible to receive’ each
18 place the term appears.”.

19 (c) EFFECTIVE DATE, IMPLEMENTATION, AND RE-
20 PEAL.—

21 (1) IN GENERAL.—The amendments made by
22 subsection (b) shall be effective for a 2-year period
23 beginning on the date of enactment of this Act.

24 (2) EFFECTIVE DATE.—Notwithstanding sec-
25 tion 8005(d) of the Elementary and Secondary Edu-

1 cation Act of 1965 (20 U.S.C. 7705(d)), subsection
2 (b)(1), and the amendments made by subsection
3 (b)(1), shall take effect with respect to applications
4 submitted under section 8002 of the Elementary and
5 Secondary Education Act of 1965 (20 U.S.C. 7702)
6 for fiscal year 2010.

7 (3) IMPLEMENTATION.—The Secretary of Edu-
8 cation shall carry out the amendments made by this
9 section without regard to the rulemaking procedures
10 under section 553 of title 5, United States Code.

11 (4) REPEAL.—The amendments made by sub-
12 section (b) shall be repealed on the day after the 2-
13 year period described in paragraph (1) and title VIII
14 of the Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 7701 et seq.) shall be applied as
16 if such subsection and the amendments made by
17 such subsection had never been enacted.

18 **SEC. 564. TRANSITIONAL COMPENSATION FOR DEPENDENT**
19 **CHILDREN WHO ARE CARRIED DURING**
20 **PREGNANCY AT TIME OF DEPENDENT-ABUSE**
21 **OFFENSE COMMITTED BY AN INDIVIDUAL**
22 **WHILE A MEMBER OF THE ARMED FORCES.**

23 (a) IN GENERAL.—Section 1059 of title 10, United
24 States Code, is amended—

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

3 “(4) Payment to a child under this section shall not
4 cover any period before the birth of the child.”; and

5 (2) in subsection (l), by striking “at the time of
6 the dependent-abuse offense resulting in the separa-
7 tion of the former member” in the matter preceding
8 paragraph (1) and inserting “or eligible spouse at
9 the time of the dependent-abuse offense resulting in
10 the separation of the former member or who was
11 carried during pregnancy at the time of the depend-
12 ent-abuse offense resulting in the separation of the
13 former member and was subsequently born alive to
14 the eligible spouse or former spouse”.

15 (b) PROSPECTIVE APPLICABILITY.—No benefits shall
16 accrue by reason of the amendments made by this section
17 for any month that begins before the date of the enact-
18 ment of this Act.

19 **SEC. 565. MODIFICATION OF AUTHORITY TO ALLOW DE-**
20 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**
21 **ENT ELEMENTARY AND SECONDARY**
22 **SCHOOLS TO ENROLL CERTAIN STUDENTS.**

23 Section 2164 of title 10, United States Code, is
24 amended by adding at the end the following new sub-
25 sections:

1 “(k) ENROLLMENT OF RELOCATED DEFENSE DE-
2 PENDENTS’ EDUCATION SYSTEM STUDENTS.—(1) The
3 Secretary of Defense may authorize the enrollment in a
4 Department of Defense education program provided by
5 the Secretary pursuant to subsection (a) of a dependent
6 of a member of the armed forces or a dependent of a Fed-
7 eral employee who is enrolled in the defense dependents’
8 education system established under section 1402 of the
9 Defense Dependents’ Education Act of 1978 (20 U.S.C.
10 921) if—

11 “(A) the dependents departed the overseas loca-
12 tion as a result of a evacuation order;

13 “(B) the designated safe haven of the depend-
14 ent is located within reasonable commuting distance
15 of a school operated by the Department of Defense
16 education program; and

17 “(C) the school possesses the capacity and re-
18 sources necessary to enable the student to attend the
19 school.

20 “(2) Unless waived by the Secretary of Defense, a
21 dependent described in paragraph (1) who is enrolled in
22 a school operated by the Department of Defense education
23 program pursuant to such paragraph may attend the
24 school only through the end of the school year.

1 “(1) ENROLLMENT IN VIRTUAL ELEMENTARY AND
2 SECONDARY EDUCATION PROGRAM.—(1) Under regula-
3 tions prescribed by the Secretary of Defense, the Secretary
4 may authorize the enrollment in the virtual elementary
5 and secondary education program established as a compo-
6 nent of the Department of Defense education program of
7 a dependent of a member of the armed forces on active
8 duty who—

9 “(A) is enrolled in an elementary or secondary
10 school operated by a local educational agency or an-
11 other accredited educational program in the United
12 States (other than a school operated by the Depart-
13 ment of Defense education program); and

14 “(B) immediately before such enrollment, was
15 enrolled in the defense dependents’ education system
16 established under section 1402 of the Defense De-
17 pendents’ Education Act of 1978 (20 U.S.C. 921).

18 “(2) Enrollment of a dependent described in para-
19 graph (1) pursuant to such paragraph shall be on a tuition
20 basis.”.

21 **SEC. 566. NONCOMPETITIVE APPOINTMENT AUTHORITY**
22 **REGARDING CERTAIN MILITARY SPOUSES.**

23 (a) IN GENERAL.—Subchapter I of chapter 33 of title
24 5, United States Code, is amended by adding at the end
25 the following new section:

1 **“§ 3330d. Appointment of certain military spouses**

2 “(a) DEFINITIONS.—In this section:

3 “(1) The term ‘active duty’—

4 “(A) has the meaning given that term in
5 section 101(d)(1) of title 10;

6 “(B) includes full-time National Guard
7 duty (as defined in section 101(d)(5) of title
8 10); and

9 “(C) for a member of a reserve component
10 (as described in section 10101 of title 10), does
11 not include training duties or attendance at a
12 service school.

13 “(2) The term ‘agency’—

14 “(A) has the meaning given the term ‘Ex-
15 ecutive agency’ in section 105 of this title; and

16 “(B) does not include the Government Ac-
17 countability Office.

18 “(3) The term ‘geographic area of the perma-
19 nent duty station’ means the area from which indi-
20 viduals reasonably can be expected to travel daily to
21 and from work at the location of a member’s perma-
22 nent duty station.

23 “(4) The term ‘permanent change of station’
24 means the assignment, detail, or transfer of a mem-
25 ber of the Armed Forces who is on active duty and

1 serving at a permanent duty station under a com-
2 petent authorization or order that does not—

3 “(A) specify the duty as temporary;

4 “(B) provide for assignment, detail, or
5 transfer, after that different permanent duty
6 station, to a further different permanent duty
7 station; or

8 “(C) direct return to the initial permanent
9 duty station.

10 “(5) The term ‘relocating spouse of a member
11 of the Armed Forces’ means an individual who—

12 “(A) is married to a member of the Armed
13 Forces (on or prior to a permanent change of
14 station of the member) who is ordered to active
15 duty for a period of more than 180 consecutive
16 days;

17 “(B) relocates to the member’s permanent
18 duty station; and

19 “(C) before relocating as described in sub-
20 paragraph (B), resided outside the geographic
21 area of the permanent duty station.

22 “(6) The term ‘spouse of a disabled or deceased
23 member of the Armed Forces’ means an individual—

24 “(A) who is married to a member of the
25 Armed Forces who—

1 “(i) is retired, released, or discharged
2 from the Armed Forces; and

3 “(ii) on the date on which the member
4 retires, is released, or is discharged, has a
5 disability rating of 100 percent under the
6 standard schedule of rating disabilities in
7 use by the Department of Veterans Af-
8 fairs; or

9 “(B) who—

10 “(i) was married to a member of the
11 Armed Forces on the date on which the
12 member dies while on active duty in the
13 Armed Forces; and

14 “(ii) has not remarried.

15 “(b) APPOINTMENT AUTHORITY.—The head of an
16 agency may appoint noncompetitively—

17 “(1) a relocating spouse of a member of the
18 Armed Forces; or

19 “(2) a spouse of a disabled or deceased member
20 of the Armed Forces.

21 “(c) SPECIAL RULES REGARDING RELOCATING
22 SPOUSE.—

23 “(1) IN GENERAL.—An appointment of a relo-
24 cating spouse of a member of the Armed Forces
25 under this section may only be to a position the duty

1 station for which is within the geographic area of
2 the permanent duty station of the member of the
3 Armed Forces, unless there is no agency with a posi-
4 tion with a duty station within the geographic area
5 of the permanent duty station of the member of the
6 Armed Forces.

7 “(2) SINGLE PERMANENT APPOINTMENT PER
8 DUTY STATION.—A relocating spouse of a member
9 of the Armed Forces may not receive more than 1
10 permanent appointment under this section for each
11 time the spouse relocates as described in subpara-
12 graphs (B) and (C) of subsection (a)(5).

13 “(d) SPECIAL RULES REGARDING SPOUSE OF A DIS-
14 ABLED OR DECEASED MEMBER OF THE ARMED
15 FORCES.—

16 “(1) IN GENERAL.—An appointment of an eligi-
17 ble spouse as described in subparagraph (A) or (B)
18 of subsection (a)(6) is not restricted to a geo-
19 graphical area.

20 “(2) SINGLE PERMANENT APPOINTMENT.—A
21 spouse of a disabled or deceased member of the
22 Armed Forces may not receive more than 1 perma-
23 nent appointment under this section.”.

24 (b) REGULATIONS.—Not later than 180 after the
25 date of the enactment of this Act, the Director of the Of-

1 fice of Personnel Management shall amend section
2 315.612 of title 5, Code of Federal Regulations (relating
3 to noncompetitive appointment of certain military
4 spouses), in accordance with the amendment made by sub-
5 section (a) and promulgate or amend any other regula-
6 tions necessary to carry out the amendment made by sub-
7 section (a).

8 (c) CLERICAL AMENDMENT.—The table of sections
9 for chapter 33 of title 5, United States Code, is amended
10 by inserting after the item relating to section 3330c the
11 following new item:

“3330d. Appointment of certain military spouses.”.

12 **SEC. 567. REPORT ON FUTURE OF FAMILY SUPPORT PRO-**
13 **GRAMS OF THE DEPARTMENT OF DEFENSE.**

14 (a) REPORT REQUIRED.—Not later than 180 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall submit to the congressional defense com-
17 mittees a report on the anticipated future of the family
18 support programs of the Department of Defense during
19 the five-year period beginning on the date of the submittal
20 of the report as end strengths for the Armed Forces are
21 reduced and the Armed Forces are drawn down from com-
22 bat operations in Afghanistan.

23 (b) ELEMENTS.—The report required by subsection
24 (a) shall include the following:

1 (1) A description of the current family support
2 programs of each of the Armed Forces and the De-
3 partment of Defense, including the name, scope and
4 intended purpose of each program.

5 (2) An assessment of the current costs of the
6 family support programs covered by paragraph (1),
7 and an estimate of the costs of anticipated family
8 support programs of the Armed Forces and Depart-
9 ment over the period covered by the report.

10 (3) An assessment of the costs and other con-
11 sequences associated with the elimination or reduc-
12 tion of any current family support programs covered
13 by paragraph (1) over the period covered by the re-
14 port.

15 (4) An assessment of the family support pro-
16 grams of each of the Armed Forces covered by para-
17 graph (1), including any planned or anticipated
18 changes to the programs over the period covered by
19 the report.

20 **SEC. 568. SENSE OF CONGRESS REGARDING SUPPORT FOR**

21 **YELLOW RIBBON DAY.**

22 Congress supports the goals and ideals of Yellow Rib-
23 bon Day in honor of members of the Armed Forces and
24 other individuals of the United States who are serving
25 overseas apart from their families and loved ones.

1 **Subtitle H—Improved Sexual As-**
2 **sault Prevention and Response**
3 **in the Armed Forces**

4 **SEC. 570. ARMED FORCES WORKPLACE AND GENDER RELA-**
5 **TIONS SURVEYS.**

6 (a) **ADDITIONAL CONTENT OF SURVEYS.**—Sub-
7 section (c) of section 481 of title 10, United States Code,
8 is amended—

9 (1) by striking “harassment and discrimina-
10 tion” and inserting “harassment, assault, and dis-
11 crimination”;

12 (2) by redesignating paragraphs (2) and (3) as
13 paragraphs (3) and (4); respectively;

14 (3) by inserting after paragraph (1) the fol-
15 lowing new paragraph (2):

16 “(2) The specific types of assault that have oc-
17 curred, and the number of times each respondent
18 has been assaulted during the preceding year.”;

19 (4) in paragraph (4), as so redesignated, by
20 striking “discrimination” and inserting “discrimina-
21 tion, harassment, and assault”; and

22 (5) by adding at the end the following new
23 paragraph:

1 “(5) Any other issues relating to discrimination,
2 harassment, or assault as the Secretary of Defense
3 considers appropriate.”.

4 (b) TIME FOR CONDUCTING OF SURVEYS.—Such sec-
5 tion is further amended—

6 (1) in subsection (a)(1), by striking “four quad-
7 rennial surveys (each in a separate year)” and in-
8 serting “four surveys”; and

9 (2) by striking subsection (d) and inserting the
10 following new subsection:

11 “(d) WHEN SURVEYS REQUIRED.—(1) One of the
12 two Armed Forces Workplace and Gender Relations Sur-
13 veys shall be conducted in 2014 and then every second
14 year thereafter and the other Armed Forces Workplace
15 and Gender Relations Survey shall be conducted in 2015
16 and then every second year thereafter, so that one of the
17 two surveys is being conducted each year.

18 “(2) The two Armed Forces Workplace and Equal
19 Opportunity Surveys shall be conducted at least once every
20 four years. The two surveys may not be conducted in the
21 same year.”.

1 **SEC. 571. AUTHORITY TO RETAIN OR RECALL TO ACTIVE**
2 **DUTY RESERVE COMPONENT MEMBERS WHO**
3 **ARE VICTIMS OF SEXUAL ASSAULT WHILE ON**
4 **ACTIVE DUTY.**

5 (a) IN GENERAL.—Chapter 1209 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 12323. Active duty pending line of duty determina-**
9 **tion required for response to sexual as-**
10 **sault**

11 “(a) CONTINUATION ON ACTIVE DUTY.—In the case
12 of a member of a reserve component who is the alleged
13 victim of sexual assault committed while on active duty
14 and who is expected to be released from active duty before
15 the determination is made regarding whether the member
16 was assaulted while in the line of duty (in this section re-
17 ferred to as a ‘line of duty determination’), the Secretary
18 concerned, upon the request of the member, may order
19 the member to be retained on active duty until completion
20 of the line of duty determination. A member eligible for
21 continuation on active duty under this subsection shall be
22 informed as soon as practicable after the alleged assault
23 of the option to request continuation on active duty under
24 this subsection.

25 “(b) RETURN TO ACTIVE DUTY.—In the case of a
26 member of a reserve component not on active duty who

1 is the alleged victim of a sexual assault that occurred while
2 the member was on active duty and when the line of duty
3 determination is not completed, the Secretary concerned,
4 upon the request of the member, may order the member
5 to active duty for such time as necessary for completion
6 of the line of duty determination.

7 “(c) REGULATIONS.—The Secretaries of the military
8 departments shall prescribe regulations to carry out this
9 section, subject to guidelines prescribed by the Secretary
10 of Defense. The guidelines of the Secretary of Defense
11 shall provide that—

12 “(1) a request submitted by a member de-
13 scribed in subsection (a) or (b) to continue on active
14 duty, or to be ordered to active duty, respectively,
15 must be decided within 30 days from the date of the
16 request; and

17 “(2) if the request is denied, the member may
18 appeal to the first general officer or flag officer in
19 the chain of command of the member, and in the
20 case of such an appeal a decision on the appeal must
21 be made within 15 days from the date of the ap-
22 peal.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 1209 of such title is amended
25 adding at the end the following new item:

“12323. Active duty pending line of duty determination required for response to sexual assault.”.

1 **SEC. 572. ADDITIONAL ELEMENTS IN COMPREHENSIVE DE-**
2 **PARTMENT OF DEFENSE POLICY ON SEXUAL**
3 **ASSAULT PREVENTION AND RESPONSE.**

4 (a) POLICY MODIFICATIONS.—Not later than 180
5 days after the date of the enactment of this Act, the Sec-
6 retary of Defense shall modify the revised comprehensive
7 policy for the Department of Defense sexual assault pre-
8 vention and response program required by section 1602
9 of the Ike Skelton National Defense Authorization Act for
10 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4430;
11 10 U.S.C. 1561 note) to include in the policy the following
12 new requirements:

13 (1) Subject to subsection (b), a requirement
14 that the Secretary of each military department es-
15 tablish a record on the disposition of any Unre-
16 stricted Report of sexual assault involving a member
17 of the Armed Forces, whether such disposition is
18 court martial, nonjudicial punishment, or other ad-
19 ministrative action.

20 (2) A requirement that the Secretary of each
21 military department establish policies to require the
22 processing for administrative separation of any
23 member of the Armed Forces under the jurisdiction
24 of such Secretary whose conviction for a covered of-

1 fense is final and who is not punitively discharged
2 from the Armed Forces in connection with such con-
3 viction. Such requirement—

4 (A) shall ensure that any separation deci-
5 sion is based on the full facts of the case and
6 that due process procedures are provided under
7 regulations prescribed by the Secretary of De-
8 fense; and

9 (B) shall not be interpreted to limit or
10 alter the authority of the Secretary of the mili-
11 tary department concerned to process members
12 of the Armed Forces for administrative separa-
13 tion for other offenses or under other provisions
14 of law.

15 (3) A requirement that the commander of each
16 military command and other units specified by the
17 Secretary of Defense for purposes of the policy shall
18 conduct, within 120 days after the commander as-
19 sumes command and at least annually thereafter
20 while retaining command, a climate assessment of
21 the command or unit for purposes of preventing and
22 responding to sexual assaults. The climate assess-
23 ment shall include an opportunity for members of
24 the Armed Forces to express their opinions regard-
25 ing the manner and extent to which their leaders, in-

1 including commanders, respond to allegations of sexual
2 assault and complaints of sexual harassment and
3 the effectiveness of such response.

4 (4) A requirement to post and widely disseminate
5 information about resources available to report
6 and respond to sexual assaults, including the establishment
7 of hotline phone numbers and Internet
8 websites available to all members of the Armed
9 Forces.

10 (5) A requirement for a general education campaign
11 to notify members of the Armed Forces regarding
12 the authorities available under chapter 79 of
13 title 10, United States Code, for the correction of
14 military records when a member experiences any retaliatory
15 personnel action for making a report of
16 sexual assault or sexual harassment.

17 (b) ADDITIONAL REQUIREMENTS REGARDING DIS-
18 POSITION RECORDS OF SEXUAL ASSAULT REPORTS.—

19 (1) ELEMENTS.—The record of the disposition
20 of an Unrestricted Report of sexual assault established
21 under subsection (a)(1) shall include information
22 regarding the following, as appropriate:

23 (A) Documentary information collected
24 about the incident, other than investigator case
25 notes.

1 (B) Punishment imposed, including the
2 sentencing by judicial or non-judicial means, in-
3 cluding incarceration, fines, restriction, and
4 extra duty as a result of military court-martial,
5 Federal or local court and other sentencing, or
6 any other punishment imposed.

7 (C) Adverse administrative actions taken
8 against the subject of the investigation, if any.

9 (D) Any pertinent referrals made for the
10 subject of the investigation, offered as a result
11 of the incident, such as drug and alcohol coun-
12 seling and other types of counseling or interven-
13 tion.

14 (2) RETENTION OF RECORDS.—The Secretary
15 of Defense shall require that—

16 (A) the disposition records established pur-
17 suant to subsection (a)(1) be retained for a pe-
18 riod of not less than 20 years; and

19 (B) information from the records that sat-
20 isfies the reporting requirements established in
21 section 1631 of the Ike Skelton National De-
22 fense Authorization Act for Fiscal Year 2011
23 (Public Law 111–383; 10 U.S.C. 1561 note) be
24 incorporated into the Defense Sexual Assault
25 Incident Database and maintained for the same

1 period as applies to retention of the records
2 under subparagraph (A).

3 (c) COVERED OFFENSE DEFINED.—For purposes of
4 subsection (a)(2), the term “covered offense” means the
5 following:

6 (1) Rape or sexual assault under subsection (a)
7 or (b) of section 920 of title 10, United States Code
8 (article 120 of the Uniform Code of Military Jus-
9 tice).

10 (2) Forcible sodomy under section 925 of title
11 10, United States Code (article 125 of the Uniform
12 Code of Military Justice).

13 (3) An attempt to commit an offense specified
14 in paragraph (1) or (2) under section 880 of title
15 10, United States Code (article 80 of the Uniform
16 Code of Military Justice).

17 **SEC. 573. ESTABLISHMENT OF SPECIAL VICTIM CAPABILI-**
18 **TIES WITHIN THE MILITARY DEPARTMENTS**
19 **TO RESPOND TO ALLEGATIONS OF CERTAIN**
20 **SPECIAL VICTIM OFFENSES.**

21 (a) ESTABLISHMENT REQUIRED.—Under regulations
22 prescribed by the Secretary of Defense, the Secretary of
23 each military department shall establish special victim ca-
24 pabilities for the purposes of—

1 (1) investigating and prosecuting allegations of
2 child abuse, serious domestic violence, or sexual of-
3 fenses; and

4 (2) providing support for the victims of such of-
5 fenses.

6 (b) PERSONNEL.—The special victim capabilities de-
7 veloped under subsection (a) shall include specially trained
8 and selected—

9 (1) investigators from the Army Criminal Inves-
10 tigative Command, Naval Criminal Investigative
11 Service, or Air Force Office of Special Investiga-
12 tions;

13 (2) judge advocates;

14 (3) victim witness assistance personnel; and

15 (4) administrative paralegal support personnel.

16 (c) TRAINING, SELECTION, AND CERTIFICATION
17 STANDARDS.—The Secretary of Defense shall prescribe
18 standards for the training, selection, and certification of
19 personnel who will provide special victim capabilities for
20 a military department.

21 (d) DISCRETION REGARDING EXTENT OF CAPABILI-
22 TIES.—

23 (1) IN GENERAL.—Subject to paragraph (2),
24 the Secretary of a military department shall deter-
25 mine the extent to which special victim capabilities

1 will be established within the military department
2 and prescribe regulations for the management and
3 use of the special victim capabilities.

4 (2) REQUIRED ELEMENTS.—At a minimum, the
5 special victim capabilities established within a mili-
6 tary department must provide effective, timely, and
7 responsive world-wide support for the purposes de-
8 scribed in subsection (a).

9 (e) TIME FOR ESTABLISHMENT.—

10 (1) IMPLEMENTATION PLAN.—Not later than
11 270 days after the date of the enactment of this Act,
12 the Secretary of Defense shall submit to the Com-
13 mittees on Armed Services of the Senate and the
14 House of Representatives a report containing—

15 (A) the plans and time lines of the Secre-
16 taries of the military departments for the estab-
17 lishment of the special victims capabilities; and

18 (B) an assessment by the Secretary of De-
19 fense of the plans and time lines.

20 (2) INITIAL CAPABILITIES.—Not later than one
21 year after the date of the enactment of this Act, the
22 Secretary of each military department shall have
23 available an initial special victim capability con-
24 sisting of the personnel specified in subsection (b).

1 (f) EVALUATION OF EFFECTIVENESS.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the Secretary of Defense shall—

4 (1) prescribe the common criteria to be used by
5 the Secretaries of the military departments to meas-
6 ure the effectiveness and impact of the special victim
7 capabilities from the investigative, prosecutorial, and
8 victim’s perspectives; and

9 (2) require the Secretaries of the military de-
10 partments to collect and report the data used to
11 measure such effectiveness and impact.

12 (g) SPECIAL VICTIM CAPABILITIES DEFINED.—In
13 this section, the term “special victim capabilities” means
14 a distinct, recognizable group of appropriately skilled pro-
15 fessionals who work collaboratively to achieve the purposes
16 described in subsection (a). This section does not require
17 that the special victim capabilities be created as separate
18 military unit or have a separate chain of command.

19 **SEC. 574. ENHANCEMENT TO TRAINING AND EDUCATION**
20 **FOR SEXUAL ASSAULT PREVENTION AND RE-**
21 **SPONSE.**

22 Section 585 of the National Defense Authorization
23 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
24 1434; 10 U.S.C. 1561 note) is amended by adding at the
25 end the following new subsections:

1 “(d) COMMANDERS’ TRAINING.—The Secretary of
2 Defense shall provide for the inclusion of a sexual assault
3 prevention and response training module in the training
4 for new or prospective commanders at all levels of com-
5 mand. The training shall be tailored to the responsibilities
6 and leadership requirements of members of the Armed
7 Forces as they are assigned to command positions. Such
8 training shall include the following:

9 “(1) Fostering a command climate that does
10 not tolerate sexual assault.

11 “(2) Fostering a command climate in which
12 persons assigned to the command are encouraged to
13 intervene to prevent potential incidents of sexual as-
14 sault.

15 “(3) Fostering a command climate that encour-
16 ages victims of sexual assault to report any incident
17 of sexual assault.

18 “(4) Understanding the needs of, and the re-
19 sources available to, the victim after an incident of
20 sexual assault.

21 “(5) Use of military criminal investigative orga-
22 nizations for the investigation of alleged incidents of
23 sexual assault.

24 “(6) Available disciplinary options, including
25 court-martial, non-judicial punishment, administra-

1 tive action, and deferral of discipline for collateral
2 misconduct, as appropriate.

3 “(e) EXPLANATION TO BE INCLUDED IN INITIAL
4 ENTRY AND ACCESSION TRAINING.—

5 “(1) REQUIREMENT.—The Secretary of De-
6 fense shall require that the matters specified in
7 paragraph (2) be carefully explained to each member
8 of the Army, Navy, Air Force, and Marine Corps at
9 the time of (or within fourteen duty days after)—

10 “(A) the member’s initial entrance on ac-
11 tive duty; or

12 “(B) the member’s initial entrance into a
13 duty status with a reserve component.

14 “(2) MATTERS TO BE EXPLAINED.—This sub-
15 section applies with respect to the following:

16 “(A) Department of Defense policy with
17 respect to sexual assault.

18 “(B) The resources available with respect
19 to sexual assault reporting and prevention and
20 the procedures to be followed by a member
21 seeking to access those resources.”.

1 **SEC. 575. MODIFICATION OF ANNUAL DEPARTMENT OF DE-**

2 **FENSE REPORTING REQUIREMENTS REGARD-**

3 **ING SEXUAL ASSAULTS.**

4 (a) GREATER DETAIL IN CASE SYNOPSES PORTION
5 OF REPORT.—Section 1631 of the Ike Skelton National
6 Defense Authorization Act for Fiscal Year 2011 (Public
7 Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is
8 amended by adding at the end the following new sub-
9 section:

10 “(f) ADDITIONAL DETAILS FOR CASE SYNOPSES
11 PORTION OF REPORT.—The Secretary of each military de-
12 partment shall include in the case synopses portion of each
13 report described in subsection (b)(3) the following addi-
14 tional information:

15 “(1) If charges are dismissed following an in-
16 vestigation conducted under section 832 of title 10,
17 United States Code (article 32 of the Uniform Code
18 of Military Justice), the case synopsis shall include
19 the reason for the dismissal of the charges.

20 “(2) If the case synopsis states that a member
21 of the Armed Forces accused of committing a sexual
22 assault was administratively separated or, in the
23 case of an officer, allowed to resign in lieu of facing
24 a court-martial, the case synopsis shall include the
25 characterization (honorable, general, or other than

1 honorable) given the service of the member upon
2 separation.

3 “(3) The case synopsis shall indicate whether a
4 member of the Armed Forces accused of committing
5 a sexual assault was ever previously accused of a
6 substantiated sexual assault or was admitted to the
7 Armed Forces under a moral waiver granted with re-
8 spect to prior sexual misconduct.

9 “(4) The case synopsis shall indicate the branch
10 of the Armed Forces of each member accused of
11 committing a sexual assault and the branch of the
12 Armed Forces of each member who is a victim of a
13 sexual assault.

14 “(5) If the case disposition includes non-judicial
15 punishment, the case synopsis shall explicitly state
16 the nature of the punishment.

17 “(6) The case synopsis shall indicate whether
18 alcohol was involved in any way in a substantiated
19 sexual assault incident.”.

20 (b) ADDITIONAL ELEMENTS OF EACH REPORT.—

21 Subsection (b) of such section is amended by adding at
22 the end the following new paragraphs:

23 “(7) The number of applications submitted
24 under section 673 of title 10, United States Code,
25 during the year covered by the report for a perma-

1 nent change of station or unit transfer for members
2 of the Armed Forces on active duty who are the vic-
3 tim of a sexual assault or related offense, the num-
4 ber of applications denied, and, for each application
5 denied, a description of the reasons why the applica-
6 tion was denied.

7 “(8) An analysis and assessment of trends in
8 the incidence, disposition, and prosecution of sexual
9 assaults by units, commands, and installations dur-
10 ing the year covered by the report, including trends
11 relating to prevalence of incidents, prosecution of in-
12 cidents, and avoidance of incidents.

13 “(9) An assessment of the adequacy of sexual
14 assault prevention and response activities carried out
15 by training commands during the year covered by
16 the report.

17 “(10) An analysis of the specific factors that
18 may have contributed to sexual assault during the
19 year covered by the report, an assessment of the role
20 of such factors in contributing to sexual assaults
21 during that year, and recommendations for mecha-
22 nisms to eliminate or reduce the incidence of such
23 factors or their contributions to sexual assaults.”.

24 (c) APPLICATION OF AMENDMENTS.—The amend-
25 ments made by this section shall apply beginning with the

1 report regarding sexual assaults involving members of the
2 Armed Forces required to be submitted by March 1, 2014,
3 under section 1631 of the Ike Skelton National Defense
4 Authorization Act for Fiscal Year 2011.

5 **SEC. 576. INDEPENDENT REVIEWS AND ASSESSMENTS OF**
6 **UNIFORM CODE OF MILITARY JUSTICE AND**
7 **JUDICIAL PROCEEDINGS OF SEXUAL AS-**
8 **SAULT CASES.**

9 (a) INDEPENDENT REVIEWS AND ASSESSMENTS RE-
10 QUIRED.—

11 (1) RESPONSE SYSTEMS TO ADULT SEXUAL AS-
12 SAULT CRIMES.—The Secretary of Defense shall es-
13 tablish a panel to conduct an independent review
14 and assessment of the systems used to investigate,
15 prosecute, and adjudicate crimes involving adult sex-
16 ual assault and related offenses under section 920 of
17 title 10, United States Code (article 120 of the Uni-
18 form Code of Military Justice), for the purpose of
19 developing recommendations regarding how to im-
20 prove the effectiveness of such systems.

21 (2) JUDICIAL PROCEEDINGS SINCE FISCAL
22 YEAR 2012 AMENDMENTS.—The Secretary of De-
23 fense shall establish a panel to conduct an inde-
24 pendent review and assessment of judicial pro-
25 ceedings conducted under the Uniform Code of Mili-

1 tary Justice involving adult sexual assault and re-
2 lated offenses since the amendments made to the
3 Uniform Code of Military Justice by section 541 of
4 the National Defense Authorization Act for Fiscal
5 Year 2012 (Public Law 112–81; 125 Stat. 1404) for
6 the purpose of developing recommendations for im-
7 provements to such proceedings.

8 (b) ESTABLISHMENT OF INDEPENDENT REVIEW
9 PANELS.—

10 (1) COMPOSITION.—

11 (A) RESPONSE SYSTEMS PANEL.—The
12 panel required by subsection (a)(1) shall be
13 composed of nine members, five of whom are
14 appointed by the Secretary of Defense and one
15 member each appointed by the chairman and
16 ranking member of the Committees on Armed
17 Services of the Senate and the House of Rep-
18 resentatives.

19 (B) JUDICIAL PROCEEDINGS PANEL.—The
20 panel required by subsection (a)(2) shall be ap-
21 pointed by the Secretary of Defense and consist
22 of five members, two of whom must have also
23 served on the panel established under sub-
24 section (a)(1).

1 (2) QUALIFICATIONS.—The members of each
2 panel shall be selected from among private United
3 States citizens who collectively possess expertise in
4 military law, civilian law, the investigation, prosecu-
5 tion, and adjudication of sexual assaults in State
6 and Federal criminal courts, victim advocacy, treat-
7 ment for victims, military justice, the organization
8 and missions of the Armed Forces, and offenses re-
9 lating to rape, sexual assault, and other adult sexual
10 assault crimes.

11 (3) CHAIR.—The chair of each panel shall be
12 appointed by the Secretary of Defense from among
13 the members of the panel.

14 (4) PERIOD OF APPOINTMENT; VACANCIES.—
15 Members shall be appointed for the life of the panel.
16 Any vacancy in a panel shall be filled in the same
17 manner as the original appointment.

18 (5) DEADLINE FOR APPOINTMENTS.—

19 (A) RESPONSE SYSTEMS PANEL.—All
20 original appointments to the panel required by
21 subsection (a)(1) shall be made not later than
22 120 days after the date of the enactment of this
23 Act.

24 (B) JUDICIAL PROCEEDINGS PANEL.—All
25 original appointments to the panel required by

1 subsection (a)(2) shall be made before the ter-
2 mination date of the panel established under
3 subsection (a)(1), but no later than 30 days be-
4 fore the termination date.

5 (6) MEETINGS.—A panel shall meet at the call
6 of the chair.

7 (7) FIRST MEETING.—The chair shall call the
8 first meeting of a panel not later than 60 days after
9 the date of the appointment of all the members of
10 the panel.

11 (c) REPORTS AND DURATION.—

12 (1) RESPONSE SYSTEMS PANEL.—The panel es-
13 tablished under subsection (a)(1) shall terminate
14 upon the earlier of the following:

15 (A) Thirty days after the panel has sub-
16 mitted a report of its findings and recommenda-
17 tions, through the Secretary of Defense, to the
18 Committees on Armed Services of the Senate
19 and the House of Representatives.

20 (B) Eighteen months after the first meet-
21 ing of the panel, by which date the panel is ex-
22 pected to have made its report.

23 (2) JUDICIAL PROCEEDINGS PANEL.—

24 (A) FIRST REPORT.—The panel estab-
25 lished under subsection (a)(2) shall submit a

1 first report, including any proposals for legisla-
2 tive or administrative changes the panel con-
3 siders appropriate, to the Secretary of Defense
4 and the Committees on Armed Services of the
5 Senate and the House of Representatives not
6 later than 180 days after the first meeting of
7 the panel.

8 (B) SUBSEQUENT REPORTS.—The panel
9 established under subsection (a)(2) shall submit
10 subsequent reports during fiscal years 2014
11 through 2017.

12 (C) TERMINATION.—The panel established
13 under subsection (a)(2) shall terminate on Sep-
14 tember 30, 2017.

15 (d) DUTIES OF PANELS.—

16 (1) RESPONSE SYSTEMS PANEL.—In conducting
17 a systemic review and assessment, the panel re-
18 quired by subsection (a)(1) shall provide rec-
19 ommendations on how to improve the effectiveness
20 of the investigation, prosecution, and adjudication of
21 crimes involving adult sexual assault and related of-
22 fenses under section 920 of title 10, United States
23 Code (article 120 of the Uniform Code of Military
24 Justice). The review shall include the following:

1 (A) Using criteria the panel considers ap-
2 propriate, an assessment of the strengths and
3 weaknesses of the systems, including the admin-
4 istration of the Uniform Code of the Military
5 Justice, and the investigation, prosecution, and
6 adjudication, of adult sexual assault crimes dur-
7 ing the period 2007 through 2011.

8 (B) A comparison of military and civilian
9 systems for the investigation, prosecution, and
10 adjudication of adult sexual assault crimes.
11 This comparison shall include an assessment of
12 differences in providing support and protection
13 to victims and the identification of civilian best
14 practices that may be incorporated into any
15 phase of the military system.

16 (C) An assessment of advisory sentencing
17 guidelines used in civilian courts in adult sexual
18 assault cases and whether it would be advisable
19 to promulgate sentencing guidelines for use in
20 courts-martial.

21 (D) An assessment of the training level of
22 military defense and trial counsel, including
23 their experience in defending or prosecuting
24 adult sexual assault crimes and related offenses,
25 as compared to prosecution and defense counsel

1 for similar cases in the Federal and State court
2 systems.

3 (E) An assessment and comparison of mili-
4 tary court-martial conviction rates with those in
5 the Federal and State courts and the reasons
6 for any differences.

7 (F) An assessment of the roles and effec-
8 tiveness of commanders at all levels in pre-
9 venting sexual assaults and responding to re-
10 ports of sexual assault.

11 (G) An assessment of the strengths and
12 weakness of proposed legislative initiatives to
13 modify the current role of commanders in the
14 administration of military justice and the inves-
15 tigation, prosecution, and adjudication of adult
16 sexual assault crimes.

17 (H) An assessment of the adequacy of the
18 systems and procedures to support and protect
19 victims in all phases of the investigation, pros-
20 ecution, and adjudication of adult sexual as-
21 sault crimes, including whether victims are pro-
22 vided the rights afforded by section 3771 of
23 title 18, United States Code, Department of
24 Defense Directive 1030.1, and Department of
25 Defense Instruction 1030.2.

1 (I) Such other matters and materials the
2 panel considers appropriate.

3 (2) JUDICIAL PROCEEDINGS PANEL.—The
4 panel required by subsection (a)(2) shall perform the
5 following duties:

6 (A) Assess and make recommendations for
7 improvements in the implementation of the re-
8 forms to the offenses relating to rape, sexual
9 assault, and other sexual misconduct under the
10 Uniform Code of Military Justice that were en-
11 acted by section 541 of the National Defense
12 Authorization Act for Fiscal Year 2012 (Public
13 Law 112–81; 125 Stat. 1404).

14 (B) Review and evaluate current trends in
15 response to sexual assault crimes whether by
16 courts-martial proceedings, non-judicial punish-
17 ment and administrative actions, including the
18 number of punishments by type, and the con-
19 sistency and appropriateness of the decisions,
20 punishments, and administrative actions based
21 on the facts of individual cases.

22 (C) Identify any trends in punishments
23 rendered by military courts, including general,
24 special, and summary courts-martial, in re-
25 sponse to sexual assault, including the number

1 of punishments by type, and the consistency of
2 the punishments, based on the facts of each
3 case compared with the punishments rendered
4 by Federal and State criminal courts.

5 (D) Review and evaluate court-martial con-
6 victions for sexual assault in the year covered
7 by the most-recent report required by sub-
8 section (c)(2) and the number and description
9 of instances when punishments were reduced or
10 set aside upon appeal and the instances in
11 which the defendant appealed following a plea
12 agreement, if such information is available.

13 (E) Review and assess those instances in
14 which prior sexual conduct of the alleged victim
15 was considered in a proceeding under section
16 832 of title 10, United States Code (article 32
17 of the Uniform Code of Military Justice), and
18 any instances in which prior sexual conduct was
19 determined to be inadmissible.

20 (F) Review and assess those instances in
21 which evidence of prior sexual conduct of the al-
22 leged victim was introduced by the defense in a
23 court-martial and what impact that evidence
24 had on the case.

1 (G) Building on the data compiled as a re-
2 sult of paragraph (1)(D), assess the trends in
3 the training and experience levels of military
4 defense and trial counsel in adult sexual assault
5 cases and the impact of those trends in the
6 prosecution and adjudication of such cases.

7 (H) Monitor trends in the development,
8 utilization and effectiveness of the special vic-
9 tims capabilities required by section 573 of this
10 Act.

11 (I) Monitor the implementation of the
12 April 20, 2012, Secretary of Defense policy
13 memorandum regarding withholding initial dis-
14 position authority under the Uniform Code of
15 Military Justice in certain sexual assault cases.

16 (J) Consider such other matters and mate-
17 rials as the panel considers appropriate for pur-
18 poses of the reports.

19 (3) UTILIZATION OF OTHER STUDIES.—In con-
20 ducting reviews and assessments and preparing re-
21 ports, a panel may review, and incorporate as appro-
22 priate, the data and findings of applicable ongoing
23 and completed studies.

24 (e) AUTHORITY OF PANELS.—

1 (1) HEARINGS.—A panel may hold such hear-
2 ings, sit and act at such times and places, take such
3 testimony, and receive such evidence as the panel
4 considers appropriate to carry out its duties under
5 this section.

6 (2) INFORMATION FROM FEDERAL AGENCIES.—
7 Upon request by the chair of a panel, a department
8 or agency of the Federal Government shall provide
9 information that the panel considers necessary to
10 carry out its duties under this section.

11 (f) PERSONNEL MATTERS.—

12 (1) PAY OF MEMBERS.—Members of a panel
13 shall serve without pay by reason of their work on
14 the panel.

15 (2) TRAVEL EXPENSES.—The members of a
16 panel shall be allowed travel expenses, including per
17 diem in lieu of subsistence, at rates authorized for
18 employees of agencies under subchapter I of chapter
19 57 of title 5, United States Code, while away from
20 their homes or regular places of business in the per-
21 formance or services for the panel.

22 (3) STAFFING AND RESOURCES.—The Sec-
23 retary of Defense shall provide staffing and re-
24 sources to support the panels, except that the Sec-
25 retary may not assign primary responsibility for

1 such staffing and resources to the Sexual Assault
2 Prevention and Response Office.

3 **SEC. 577. RETENTION OF CERTAIN FORMS IN CONNECTION**
4 **WITH RESTRICTED REPORTS ON SEXUAL AS-**
5 **SAULT AT REQUEST OF THE MEMBER OF THE**
6 **ARMED FORCES MAKING THE REPORT.**

7 (a) PERIOD OF RETENTION.—At the request of a
8 member of the Armed Forces who files a Restricted Re-
9 port on an incident of sexual assault involving the mem-
10 ber, the Secretary of Defense shall ensure that all copies
11 of Department of Defense Form 2910 and Department
12 of Defense Form 2911 filed in connection with the Re-
13 stricted Report be retained for the longer of—

14 (1) 50 years commencing on the date of signa-
15 ture of the member on Department of Defense Form
16 2910; or

17 (2) the time provided for the retention of such
18 forms in connection with Unrestricted Reports on in-
19 cidents of sexual assault involving members of the
20 Armed Forces under Department of Defense Direc-
21 tive-Type Memorandum (DTM) 11-062, entitled
22 “Document Retention in Cases of Restricted and
23 Unrestricted Reports of Sexual Assault”, or any suc-
24 cessor directive or policy.

1 (b) PROTECTION OF CONFIDENTIALITY.—Any De-
2 partment of Defense form retained under subsection (a)
3 shall be retained in a manner that protects the confiden-
4 tiality of the member of the Armed Forces concerned in
5 accordance with procedures for the protection of confiden-
6 tiality of information in Restricted Reports under Depart-
7 ment of Defense memorandum JTF–SAPR–009, relating
8 to the Department of Defense policy on confidentiality for
9 victims of sexual assault, or any successor policy or direc-
10 tive.

11 **SEC. 578. GENERAL OR FLAG OFFICER REVIEW OF AND**
12 **CONCURRENCE IN SEPARATION OF MEM-**
13 **BERS OF THE ARMED FORCES MAKING AN**
14 **UNRESTRICTED REPORT OF SEXUAL AS-**
15 **SAULT.**

16 (a) REVIEW REQUIRED.—The Secretary of Defense
17 shall develop a policy to require a general officer or flag
18 officer of the Armed Forces to review the circumstances
19 of, and grounds for, the proposed involuntary separation
20 of any member of the Armed Forces who—

- 21 (1) made an Unrestricted Report of a sexual as-
22 sault;
- 23 (2) within one year after making the Unre-
24 stricted Report of a sexual assault, is recommended

1 for involuntary separation from the Armed Forces;
2 and

3 (3) requests the review on the grounds that the
4 member believes the recommendation for involuntary
5 separation from the Armed Forces was initiated in
6 retaliation for making the report.

7 (b) CONCURRENCE REQUIRED.—If a review is re-
8 quested by a member of the Armed Forces as authorized
9 by subsection (a), the concurrence of the general officer
10 or flag officer conducting the review of the proposed invol-
11 untary separation of the member is required in order to
12 separate the member.

13 (c) SUBMISSION OF POLICY.—Not later than 180
14 days after the date of the enactment of this Act, the Sec-
15 retary of Defense shall submit to the Committees on
16 Armed Services of the Senate and the House of Represent-
17 atives a report containing the policy developed under sub-
18 section (a).

19 (d) APPLICATION OF POLICY.—The policy developed
20 under subsection (a) shall take effect on the date of the
21 submission of the policy to Congress under subsection (c)
22 and apply to members of the Armed Forces described in
23 subsection (a) who are proposed to be involuntarily sepa-
24 rated from the Armed Forces on or after that date.

1 **SEC. 579. DEPARTMENT OF DEFENSE POLICY AND PLAN**

2 **FOR PREVENTION AND RESPONSE TO SEX-**

3 **UAL HARASSMENT IN THE ARMED FORCES.**

4 (a) COMPREHENSIVE PREVENTION AND RESPONSE
5 POLICY.—

6 (1) POLICY REQUIRED.—The Secretary of De-
7 fense shall develop a comprehensive policy to prevent
8 and respond to sexual harassment in the Armed
9 Forces. The policy shall provide for the following:

10 (A) Training for members of the Armed
11 Forces on the prevention of sexual harassment.

12 (B) Mechanisms for reporting incidents of
13 sexual harassment in the Armed Forces, includ-
14 ing procedures for reporting anonymously.

15 (C) Mechanisms for responding to and re-
16 solving incidents of alleged sexual harassment
17 incidences involving members of the Armed
18 Forces, including through the prosecution of of-
19 fenders.

20 (2) REPORT.—Not later than one year after the
21 date of the enactment of this Act, the Secretary of
22 Defense shall submit to the Committees on Armed
23 Services of the Senate and the House of Representa-
24 tives a report setting forth the policy required by
25 paragraph (1).

1 (3) CONSULTATION.—The Secretary of Defense
2 shall prepare the policy and report required by this
3 subsection in consultation with the Secretaries of the
4 military departments and the Equal Opportunity Of-
5 fice of the Department of Defense.

6 (b) DATA COLLECTION AND REPORTING REGARDING
7 SUBSTANTIATED INCIDENTS OF SEXUAL HARASSMENT.—

8 (1) PLAN REQUIRED.—The Secretary of De-
9 fense shall develop a plan to collect information and
10 data regarding substantiated incidents of sexual har-
11 assment involving members of the Armed Forces.
12 The plan shall specifically deal with the need to
13 identify cases in which a member is accused of mul-
14 tiple incidents of sexual harassment.

15 (2) SUBMISSION OF PLAN.—Not later than
16 June 1, 2013, the Secretary of Defense shall submit
17 to the Committees on Armed Services of the Senate
18 and the House of Representatives the plan developed
19 under paragraph (1).

20 (3) REPORTING REQUIREMENT.—As part of the
21 reports required to be submitted in 2014 under sec-
22 tion 1631 of the Ike Skelton National Defense Au-
23 thorization Act for Fiscal Year 2011 (Public Law
24 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note), the
25 Secretary of Defense shall include information and

1 data collected under the plan during the preceding
2 year regarding substantiated incidents of sexual har-
3 assment involving members of the Armed Forces.

4 **Subtitle I—Suicide Prevention and** 5 **Resilience**

6 **SEC. 580. ENHANCEMENT OF OVERSIGHT AND MANAGE-** 7 **MENT OF DEPARTMENT OF DEFENSE SUI-** 8 **CIDE PREVENTION AND RESILIENCE PRO-** 9 **GRAMS.**

10 (a) IN GENERAL.—The Secretary of Defense shall,
11 acting through the Under Secretary of Defense for Per-
12 sonnel and Readiness, establish within the Office of the
13 Secretary of Defense a position with responsibility for
14 oversight of all suicide prevention and resilience programs
15 of the Department of Defense (including those of the mili-
16 tary departments and the Armed Forces).

17 (b) SCOPE OF RESPONSIBILITIES.—The individual
18 serving in the position established under subsection (a)
19 shall have the responsibilities as follows:

20 (1) To establish a uniform definition of resil-
21 iency for use in the suicide prevention and resilience
22 programs and preventative behavioral health pro-
23 grams of the Department of Defense (including
24 those of the military departments and the Armed
25 Forces).

1 (2) To oversee the implementation of the com-
2 prehensive policy on the prevention of suicide among
3 members of the Armed Forces required by section
4 582.

5 **SEC. 581. RESERVE COMPONENT SUICIDE PREVENTION**
6 **AND RESILIENCE PROGRAM.**

7 (a) CODIFICATION, TRANSFER OF RESPONSIBILITY,
8 AND EXTENSION.—

9 (1) IN GENERAL.—Chapter 1007 of title 10,
10 United States Code, is amended by adding at the
11 end the following new section:

12 **“§ 10219. Suicide prevention and resilience program**

13 “(a) PROGRAM REQUIREMENT.—The Secretary of
14 Defense shall establish and carry out a program to provide
15 members of the National Guard and Reserves and their
16 families with training in suicide prevention, resilience, and
17 community healing and response to suicide, including pro-
18 vision of such training at Yellow Ribbon Reintegration
19 Program events and activities authorized under section
20 582 of the National Defense Authorization Act for Fiscal
21 Year 2008 (10 U.S.C. 10101 note).

22 “(b) SUICIDE PREVENTION TRAINING.—Under the
23 program, the Secretary shall provide members of the Na-
24 tional Guard and Reserves with training in suicide preven-
25 tion. Such training may include—

1 “(1) describing the warning signs for suicide
2 and teaching effective strategies for prevention and
3 intervention;

4 “(2) examining the influence of military culture
5 on risk and protective factors for suicide; and

6 “(3) engaging in interactive case scenarios and
7 role plays to practice effective intervention strate-
8 gies.

9 “(c) COMMUNITY RESPONSE TRAINING.—Under the
10 program, the Secretary shall provide the families and com-
11 munities of members of the National Guard and Reserves
12 with training in responses to suicide that promote indi-
13 vidual and community healing. Such training may in-
14 clude—

15 “(1) enhancing collaboration among community
16 members and local service providers to create an in-
17 tegrated, coordinated community response to suicide;

18 “(2) communicating best practices for pre-
19 venting suicide, including safe messaging, appro-
20 priate memorial services, and media guidelines;

21 “(3) addressing the impact of suicide on the
22 military and the larger community, and the in-
23 creased risk that can result; and

24 “(4) managing resources to assist key commu-
25 nity and military service providers in helping the

1 families, friends, and fellow servicemembers of a sui-
2 cide victim through the processes of grieving and
3 healing.

4 “(d) COMMUNITY TRAINING ASSISTANCE.—The pro-
5 gram shall include the provision of assistance with such
6 training to the local communities of those servicemembers
7 and families, to be provided in coordination with local
8 community programs.

9 “(e) COLLABORATION.—In carrying out the program,
10 the Secretary shall collect and analyze ‘lessons learned’
11 and suggestions from State National Guard and Reserve
12 organizations with existing or developing suicide preven-
13 tion and community response programs.

14 “(f) TERMINATION.—The program under this section
15 shall terminate on October 1, 2017.”.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of chapter 1007 of such title
18 is amended by adding at the end the following new
19 item:

“10219. Suicide prevention and resilience program.”.

20 (b) REPEAL OF SUPERSEDED PROVISION.—Sub-
21 section (i) of section 582 of the National Defense Author-
22 ization Act for Fiscal Year 2008 (Public Law 110–181;
23 10 U.S.C. 10101 note) is repealed.

1 **SEC. 582. COMPREHENSIVE POLICY ON PREVENTION OF**

2 **SUICIDE AMONG MEMBERS OF THE ARMED**

3 **FORCES.**

4 (a) COMPREHENSIVE POLICY REQUIRED.—Not later
5 than 180 days after the date of the enactment of this Act,
6 the Secretary of Defense shall, acting through the Under
7 Secretary of Defense for Personnel and Readiness, develop
8 within the Department of Defense a comprehensive policy
9 on the prevention of suicide among members of the Armed
10 Forces. In developing the policy, the Secretary shall con-
11 sider recommendations from the operational elements of
12 the Armed Forces regarding the feasibility of the imple-
13 mentation and execution of particular elements of the pol-
14 icy.

15 (b) ELEMENTS.—The policy required by subsection
16 (a) shall cover each of the following:

17 (1) Increased awareness among members of the
18 Armed Forces about mental health conditions and
19 the stigma associated with mental health conditions
20 and mental health care.

21 (2) The means of identifying members who are
22 at risk for suicide (including enhanced means for
23 early identification and treatment of such members).

24 (3) The continuous access by members to sui-
25 cide prevention services, including suicide crisis serv-
26 ices.

1 (4) The means to evaluate and assess the effec-
2 tiveness of the suicide prevention and resilience pro-
3 grams and preventative behavioral health programs
4 of the Department of Defense (including those of
5 the military departments and the Armed Forces), in-
6 cluding the development of metrics for that purpose.

7 (5) The means to evaluate and assess the cur-
8 rent diagnostic tools and treatment methods in the
9 programs referred to in paragraph (4) to ensure
10 clinical best practices are used in such programs.

11 (6) The standard of care for suicide prevention
12 to be used throughout the Department.

13 (7) The training of mental health care providers
14 on suicide prevention.

15 (8) The training standards for behavioral health
16 care providers to ensure that such providers receive
17 training on clinical best practices and evidence-based
18 treatments as information on such practices and
19 treatments becomes available.

20 (9) The integration of mental health screenings
21 and suicide risk and prevention for members into the
22 delivery of primary care for such members.

23 (10) The standards for responding to attempted
24 or completed suicides among members, including
25 guidance and training to assist commanders in ad-

1 dressing incidents of attempted or completed suicide
2 within their units.

3 (11) The means to ensure the protection of the
4 privacy of members seeking or receiving treatment
5 relating to suicide.

6 (12) Such other matters as the Secretary con-
7 siders appropriate in connection with the prevention
8 of suicide among members.

9 **SEC. 583. STUDY OF RESILIENCE PROGRAMS FOR MEM-**
10 **BERS OF THE ARMY.**

11 (a) STUDY REQUIRED.—The Secretary of the Army
12 shall conduct a study of resilience programs within the
13 Army for the purpose of assessing the effectiveness of the
14 current Comprehensive Soldier and Family Fitness
15 (CSF2) Program of the Army, while verifying the current
16 means of the Army to reduce trends in high risk or self-
17 destructive behavior and to prepare members of the Army
18 to manage stressful or traumatic situations by training
19 members in resilience strategies and techniques.

20 (b) ELEMENTS.—In conducting the study, the Sec-
21 retary of the Army shall determine the effectiveness and
22 quality of training under the Comprehensive Soldier and
23 Family Fitness program in—

1 (1) enhancing individual performance through
2 resiliency techniques and use of positive and sports
3 psychology; and

4 (2) identifying and responding to early signs of
5 high-risk behavior in members of the Army.

6 (c) USE OF SCIENCE-BASED EVIDENCE AND TECH-
7 NIQUES.—In conducting the study, the Secretary of the
8 Army shall utilize scientific evidence, including profes-
9 sionally accepted measurements and assessments, to
10 evaluate those interventions that show positive results and
11 those interventions that have no impact.

12 (d) DURATION OF STUDY.—The study shall be con-
13 ducted through September 30, 2014.

14 (e) REPORT ON STUDY RESULTS.—Not later than
15 October 31, 2014, the Secretary of the Army shall submit
16 to the Committees on Armed Forces of the Senate and
17 the House of Representatives a report containing the re-
18 sults of the study. The report shall include the following:

19 (1) A description of the trends in high risk or
20 self-destructive behavior among members of the
21 Army.

22 (2) A description and measurements of the ef-
23 fectiveness of Comprehensive Soldier and Family
24 Fitness Program training in enhancing individual

1 performance through resiliency techniques, utiliza-
2 tion of positive psychology.

3 (3) Such recommendations or other information
4 as the Secretary considers appropriate.

5 **Subtitle J—Other Matters**

6 **SEC. 584. ISSUANCE OF PRISONER-OF-WAR MEDAL.**

7 Section 1128 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) by inserting “or” at the end of para-
11 graph (2);

12 (B) by striking “; or” at the end of para-
13 graph (3) and inserting a period; and

14 (C) by striking paragraph (4);

15 (2) by redesignating subsections (b) through (h)
16 as subsections (c) through (i), respectively; and

17 (3) by inserting after subsection (a) the fol-
18 lowing new subsection (b):

19 “(b) Under uniform regulations prescribed by the
20 Secretary of Defense, the Secretary concerned may issue
21 a prisoner-of-war medal to any person who, while serving
22 in any capacity with the armed forces, was held captive
23 under circumstances not covered by paragraph (1), (2),
24 or (3) of subsection (a), but which the Secretary concerned
25 finds were comparable to those circumstances under which

1 persons have generally been held captive by enemy armed
2 forces during periods of armed conflict.”.

3 **SEC. 585. TECHNICAL AMENDMENTS RELATING TO THE**
4 **TERMINATION OF THE ARMED FORCES INSTI-**
5 **TUTE OF PATHOLOGY UNDER DEFENSE BASE**
6 **CLOSURE AND REALIGNMENT.**

7 Section 177 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2)—

11 (i) by striking “those professional so-
12 cieties” and all that follows through “the
13 Armed Forces Institute of Pathology” and
14 inserting “the professional societies and or-
15 ganizations that support the activities of
16 the American Registry of Pathology”; and

17 (ii) by striking the second sentence;

18 and

19 (B) in paragraph (3), by striking “with the
20 concurrence of the Director of the Armed
21 Forces Institute of Pathology”;

22 (2) in subsection (b)—

23 (A) by striking paragraph (1); and

1 (B) by redesignating paragraphs (2), (3),
2 (4), and (5) as paragraphs (1), (2), (3), and
3 (4), respectively; and
4 (3) in subsection (d), by striking “to the Direc-
5 tor” and all that follows through “it deems desir-
6 able,” and inserting “annually to its Board and sup-
7 porting organizations referred to in subsection
8 (a)(2)”.

9 **SEC. 586. MODIFICATION OF REQUIREMENT FOR REPORTS**
10 **IN FEDERAL REGISTER ON INSTITUTIONS OF**
11 **HIGHER EDUCATION INELIGIBLE FOR CON-**
12 **TRACTS AND GRANTS FOR DENIAL OF ROTC**
13 **OR MILITARY RECRUITER ACCESS TO CAM-**
14 **PUS.**

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

17 **SEC. 587. ACCEPTANCE OF GIFTS AND SERVICES RELATED**
18 **TO EDUCATIONAL ACTIVITIES AND VOL-**
19 **UNTARY SERVICES TO ACCOUNT FOR MISS-**
20 **ING PERSONS.**

21 (a) **ACTIVITIES BENEFITTING EDUCATION AS SERV-**
22 **ICES ELIGIBLE FOR ACCEPTANCE.**—Section 2601(i)(2) of
23 title 10, United States Code, is amended by inserting
24 “education,” before “morale,”.

1 (b) ACCEPTANCE OF VOLUNTARY SERVICES RE-
2 LATED TO ACCOUNTING FOR MISSING PERSONS.—Section
3 1588(a) of such title is amended by adding at the end
4 the following new paragraph:

5 “(9) Voluntary services to facilitate accounting
6 for missing persons.”.

7 **SEC. 588. DISPLAY OF STATE, DISTRICT OF COLUMBIA,**
8 **COMMONWEALTH, AND TERRITORIAL FLAGS**
9 **BY THE ARMED FORCES.**

10 (a) DISPLAY.—Subsection (a) of section 2249b of
11 title 10, United States Code, is amended to read as fol-
12 lows:

13 “(a) DISPLAY OF FLAGS BY ARMED FORCES.—The
14 Secretary of Defense shall ensure that, whenever the offi-
15 cial flags of all 50 States are displayed by the armed
16 forces, such display shall include the flags of the District
17 of Columbia, the Commonwealth of Puerto Rico, the
18 United States Virgin Islands, Guam, American Samoa,
19 and the Commonwealth of the Northern Mariana Is-
20 lands.”.

21 (b) CLERICAL AMENDMENTS.—

22 (1) SECTION HEADING.—The heading of such
23 section is amended to read as follows:

1 **“§ 2249b. Display of State, District of Columbia, com-**
2 **monwealth, and territorial flags by the**
3 **armed forces”.**

4 (2) TABLE OF SECTIONS.—The table of sections
5 at the beginning of chapter 134 of such title is
6 amended by striking the item relating to section
7 2249b and inserting the following new item:

“2249b. Display of State, District of Columbia, commonwealth, and territorial
flags by the armed forces.”.

8 **SEC. 589. ENHANCEMENT OF AUTHORITIES ON ADMISSION**
9 **OF DEFENSE INDUSTRY CIVILIANS TO CER-**
10 **TAIN DEPARTMENT OF DEFENSE EDU-**
11 **CATIONAL INSTITUTIONS AND PROGRAMS.**

12 (a) NAVY DEFENSE PRODUCT DEVELOPMENT PRO-
13 GRAM.—Section 7049(a) of title 10, United States Code,
14 is amended—

15 (1) in the second sentence, by inserting “or pro-
16 fessional continuing education certificate” after
17 “master’s degree”; and

18 (2) in the last sentence, by inserting before the
19 period at the end the following: “or an appropriate
20 professional continuing education certificate, as ap-
21 plicable”.

22 (b) UNITED STATES AIR FORCE INSTITUTE OF
23 TECHNOLOGY.—Section 9314a(a) of such title is amend-
24 ed—

1 (1) in paragraph (1), by inserting “or profes-
2 sional continuing education certificate” after “grad-
3 uate degree”; and

4 (2) in paragraph (3), by inserting before the pe-
5 riod at the end the following: “or an appropriate
6 professional continuing education certificate, as ap-
7 plicable”.

8 (c) REQUEST FOR INCREASE IN NUMBER OF DE-
9 FENSE INDUSTRY CIVILIANS AUTHORIZED FOR ADMIS-
10 SION.—If the Secretary of Defense determines that it is
11 in the best interest of the Department of Defense to in-
12 crease the maximum number of defense industry employ-
13 ees authorized to be enrolled in the Naval Defense Devel-
14 opment Program or the Air Force Institute of Technology
15 at any one time, as specified in sections 7049(a) and
16 9314a(a) of title 10, United States Code, the Secretary
17 shall submit to the Committees on Armed Services of the
18 Senate and the House of Representatives a request for
19 such an increase, including draft legislation to effectuate
20 the increase.

1 **SEC. 590. EXTENSION OF AUTHORITIES TO CARRY OUT A**
2 **PROGRAM OF REFERRAL AND COUNSELING**
3 **SERVICES TO VETERANS AT RISK OF HOME-**
4 **LESSNESS WHO ARE TRANSITIONING FROM**
5 **CERTAIN INSTITUTIONS.**

6 Section 2023(d) of title 38, United States Code, is
7 amended by striking “September 30, 2012” and inserting
8 “September 30, 2013”.

9 **SEC. 591. INSPECTION OF MILITARY CEMETERIES UNDER**
10 **THE JURISDICTION OF DEPARTMENT OF DE-**
11 **FENSE.**

12 (a) DOD INSPECTOR GENERAL INSPECTION OF AR-
13 LINGTON NATIONAL CEMETERY AND UNITED STATES
14 SOLDIERS’ AND AIRMEN’S HOME NATIONAL CEME-
15 TERY.—Section 1(d) of Public Law 111–339 (124 Stat.
16 3592) is amended—

17 (1) in paragraph (1), by striking “The Sec-
18 retary” in the first sentence and inserting “Subject
19 to paragraph (2), the Secretary”; and

20 (2) in paragraph (2), by adding at the end the
21 following new sentence: “However, in the case of the
22 report required to be submitted during 2013, the as-
23 sessment described in paragraph (1) shall be con-
24 ducted, and the report shall be prepared and sub-
25 mitted, by the Inspector General of the Department
26 of Defense instead of the Secretary of the Army.”.

1 (b) TIME FOR SUBMISSION OF REPORT AND PLAN
2 OF ACTION REGARDING INSPECTION OF CEMETERIES AT
3 MILITARY INSTALLATIONS.—Section 592(d)(2) of the Na-
4 tional Defense Authorization Act for Fiscal Year 2012
5 (Public Law 112–81; 125 Stat. 1443) is amended—

6 (1) by striking “December 31, 2012” and in-
7 serting “June 29, 2013”; and

8 (2) by striking “April 1, 2013” and inserting
9 “October 1, 2013”.

10 **SEC. 592. REPORT ON RESULTS OF INVESTIGATIONS AND**
11 **REVIEWS CONDUCTED WITH RESPECT TO**
12 **PORT MORTUARY DIVISION OF THE AIR**
13 **FORCE MORTUARY AFFAIRS OPERATIONS**
14 **CENTER AT DOVER AIR FORCE BASE.**

15 (a) REPORT REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of Defense shall submit to the Committees on Armed Serv-
18 ices of the Senate and the House of Representatives a re-
19 port of the investigations and reviews that were conducted
20 with respect to the improper handling and preparation of
21 the remains of deceased members of the Armed Forces
22 and civilians at the Port Mortuary Division of the Air
23 Force Mortuary Affairs Operations Center at Dover Air
24 Force Base. The investigations and reviews considered
25 shall include—

1 (1) the 436th Air Wing Inspector General re-
2 view;

3 (2) the Air Force Office of Special Investiga-
4 tions report;

5 (3) the Air Force Office of Inspector General
6 investigation;

7 (4) the Office of Special Counsel review;

8 (5) the Defense Health Board's Dover Port
9 Mortuary Independent Review Subcommittee report;
10 and

11 (6) any other reviews or investigations of oper-
12 ations at Dover Port Mortuary that have been con-
13 ducted since January 1, 2011.

14 (b) ELEMENTS OF REPORT.—The report shall—

15 (1) summarize and evaluate the recommenda-
16 tions made, and the actions undertaken, as a result
17 of the investigations and reviews, and the current
18 status of implementation of such recommendations
19 and actions; and

20 (2) provide any additional recommendations for
21 improvement of operations at Dover Port Mortuary,
22 including any best practices for casualty notification,
23 family support, and mortuary affairs operations.

1 **SEC. 593. PRESERVATION OF EDITORIAL INDEPENDENCE**
2 **OF STARS AND STRIPES.**

3 (a) **MAINTENANCE OF GEOGRAPHIC SEPARATION.**—

4 To preserve the actual and perceived editorial and man-
5 agement independence of the Stars and Stripes news-
6 paper, the Secretary of Defense shall extend the lease for
7 the commercial office space in the District of Columbia
8 currently occupied by the editorial and management oper-
9 ations of the Stars and Stripes newspaper until such time
10 as the Secretary provides space and information tech-
11 nology and other support for such operations in a Govern-
12 ment-owned facility in the National Capital Region geo-
13 graphically remote from facilities of the Defense Media
14 Activity at Fort Meade, Maryland.

15 (b) **IMPLEMENTATION REPORT.**—Not later than Feb-
16 ruary 1, 2013, the Secretary of Defense shall submit to
17 the Committees on Armed Services of the Senate and the
18 House of Representatives a report describing the imple-
19 mentation of subsection (a).

20 **SEC. 594. NATIONAL PUBLIC AWARENESS AND PARTICIPA-**
21 **TION CAMPAIGN FOR VETERANS' HISTORY**
22 **PROJECT OF AMERICAN FOLKLIFE CENTER.**

23 (a) **IN GENERAL.**—The Director of the American
24 Folklife Center at the Library of Congress shall carry out
25 a national public awareness and participation campaign
26 for the program required by section 3(a) of the Veterans'

1 Oral History Project Act (20 U.S.C. 2142(a)). Such cam-
2 paign shall provide for the following:

3 (1) Encouraging the people of the United
4 States, veterans organizations, community groups,
5 and national organizations to participate in such
6 program.

7 (2) Ensuring greater awareness and participa-
8 tion throughout the United States in such program.

9 (3) Providing meaningful opportunities for
10 learning about the experiences of veterans.

11 (4) Complementing the efforts supporting the
12 readjustment and successful reintegration of vet-
13 erans into civilian life after service in the Armed
14 Forces.

15 (b) COORDINATION AND COOPERATION.—To the de-
16 gree practicable, the Director shall, in carrying out the
17 campaign required by subsection (a), coordinate and co-
18 operate with veterans service organizations.

19 (c) VETERANS SERVICE ORGANIZATION DEFINED.—
20 In this section, the term “veterans service organization”
21 means any organization recognized by the Secretary of
22 Veterans Affairs for the representation of veterans under
23 section 5902 of title 38, United States Code.

1 **SEC. 595. REPORT ON ACCURACY OF DATA IN THE DE-**
2 **FENSE ENROLLMENT ELIGIBILITY REPORT-**
3 **ING SYSTEM.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to the Committees on Armed Services of the Senate and
7 the House of Representatives a plan to improve the com-
8 pleteness and accuracy of the data contained in the De-
9 fense Enrollment Eligibility Reporting System (DEERS)
10 in order—

11 (1) to provide for the standardization of identi-
12 fication credentials required for eligibility, enroll-
13 ment, transactions, and updates across all Depart-
14 ment of Defense installations; and

15 (2) to ensure that persons issued military iden-
16 tification cards and receiving benefits based on
17 DEERS data are actually eligible for such cards and
18 benefits.

19 **SEC. 596. SENSE OF CONGRESS THAT THE BUGLE CALL**
20 **COMMONLY KNOWN AS TAPS SHOULD BE**
21 **DESIGNATED AS THE NATIONAL SONG OF**
22 **MILITARY REMEMBRANCE.**

23 It is the sense of Congress that the bugle call com-
24 monly known as “Taps” should be designated as the Na-
25 tional Song of Military Remembrance.

1 **TITLE VI—COMPENSATION AND**

2 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

- Sec. 601. Fiscal year 2013 increase in military basic pay.
- Sec. 602. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
- Sec. 603. Basic allowance for housing for two-member couples when one member is on sea duty.
- Sec. 604. Rates of basic allowance for housing for members performing active Guard and Reserve duty.
- Sec. 605. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
- Sec. 616. Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve.
- Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.
- Sec. 622. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

- Sec. 631. Extension of authority to provide two years of commissary and exchange benefits after separation.
- Sec. 632. Transitional use of military family housing.

Subtitle E—Disability, Retired Pay, and Survivor Benefits

- Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.

- Sec. 642. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.
- Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

Subtitle F—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

- Sec. 651. Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas.
- Sec. 652. Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House.

Subtitle G—Military Lending

- Sec. 661. Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents.
- Sec. 662. Effect of violations of protections on consumer credit extended to members of the Armed Forces and their dependents.
- Sec. 663. Consistent definition of dependent for purposes of applying limitations on terms of consumer credit extended to certain members of the Armed Forces and their dependents.

Subtitle H—Military Compensation and Retirement Modernization Commission

- Sec. 671. Purpose, scope, and definitions.
- Sec. 672. Military Compensation and Retirement Modernization Commission.
- Sec. 673. Commission hearings and meetings.
- Sec. 674. Principles and procedure for Commission recommendations.
- Sec. 675. Consideration of Commission recommendations by the President.
- Sec. 676. Executive Director.
- Sec. 677. Staff.
- Sec. 678. Judicial review precluded.
- Sec. 679. Termination.
- Sec. 680. Funding.

Subtitle I—Other Matters

- Sec. 681. Equal treatment for members of Coast Guard Reserve called to active duty under title 14, United States Code.
- Sec. 682. Report regarding Department of Veterans Affairs claims process transformation plan.

1 **Subtitle A—Pay and Allowances**

2 **SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC**

3 **PAY.**

4 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
5 adjustment to become effective during fiscal year 2013 re-

1 quired by section 1009 of title 37, United States Code,
2 in the rates of monthly basic pay authorized members of
3 the uniformed services shall not be made.

4 (b) INCREASE IN BASIC PAY.—Effective on January
5 1, 2013, the rates of monthly basic pay for members of
6 the uniformed services are increased by 1.7 percent.

7 **SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEM-**
8 **PORARY INCREASE IN RATES OF BASIC AL-**
9 **LOWANCE FOR HOUSING UNDER CERTAIN**
10 **CIRCUMSTANCES.**

11 Section 403(b)(7)(E) of title 37, United States Code,
12 is amended by striking “December 31, 2012” and insert-
13 ing “December 31, 2013”.

14 **SEC. 603. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**
15 **BER COUPLES WHEN ONE MEMBER IS ON SEA**
16 **DUTY.**

17 (a) IN GENERAL.—Subparagraph (C) of section
18 403(f)(2) of title 37, United States Code, is amended to
19 read as follows:

20 “(C) Notwithstanding section 421 of this title, a
21 member of a uniformed service in a pay grade below pay
22 grade E–6 who is assigned to sea duty and is married
23 to another member of a uniformed service is entitled to
24 a basic allowance for housing subject to the limitations
25 of subsection (e).”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on January 1, 2013.

3 **SEC. 604. RATES OF BASIC ALLOWANCE FOR HOUSING FOR**
4 **MEMBERS PERFORMING ACTIVE GUARD AND**
5 **RESERVE DUTY.**

6 (a) TREATMENT OF ACTIVE GUARD AND RESERVE
7 DUTY.—Section 403(g) of title 37, United States Code,
8 is amended by adding at the end the following new para-
9 graph:

10 “(6)(A) This paragraph applies with respect to a
11 member of a reserve component who performs active
12 Guard and Reserve duty (as defined in section 101(d)(6)
13 of title 10).

14 “(B) The rate of basic allowance for housing to be
15 paid to a member described in subparagraph (A) shall be
16 based on the member’s permanent duty station, even dur-
17 ing instances in which the member is mobilized for service
18 on active duty other than active Guard and Reserve duty.

19 “(C)(i) During transitions in service status from ac-
20 tive Guard and Reserve duty to other active duty and back
21 to active Guard and Reserve duty, or following the start
22 of new periods of service resulting from a change in or-
23 ders, a member described in subparagraph (A) shall be
24 considered as retaining uninterrupted eligibility to receive
25 a basic allowance for housing in an area as provided for

1 under subsections (b)(6) and (c)(2) so long as the member
2 remains on active duty without a break in service.

3 “(ii) Clause (i) does not apply if the member’s perma-
4 nent duty station changes as a result of orders directing
5 a permanent change in station with the authority for the
6 movement of household goods.

7 “(iii) For purposes of clause (i), a break in active
8 service occurs when one or more calendar days between
9 active service periods do not qualify as active service.

10 “(D) Subsections (d)(3) and (o) also apply to a mem-
11 ber described in subparagraph (A).”.

12 (b) TRANSITIONAL PROVISIONS.—

13 (1) IN GENERAL.—The basic allowance for
14 housing paid to a member of a reserve component
15 described in subparagraph (A) of paragraph (6) of
16 section 403(g) of title 37, United States Code, as
17 added by subsection (a), who on the date of the en-
18 actment of the National Defense Authorization Act
19 for Fiscal Year 2013 is being paid basic allowance
20 for housing at a rate that is based on a housing area
21 other than the member’s permanent duty station,
22 shall be paid at that current rate until the member
23 is assigned to perform duty at the member’s perma-
24 nent duty station, at which time the member shall
25 be paid basic allowance for housing at the prevailing

1 permanent duty station housing area rate or at the
2 permanent duty station housing rate for which the
3 member has qualified under such paragraph (6).

4 (2) ALTERNATIVE RATE.—The Secretary of a
5 military department, with the approval of the Sec-
6 retary of Defense, may pay a member covered by
7 paragraph (1) and under the jurisdiction of that
8 Secretary a basic allowance for housing at a rate
9 higher than the rate provided under such paragraph
10 to ensure that the member is treated fairly and equi-
11 tably or to serve the best interests of the United
12 States.

13 **SEC. 605. PAYMENT OF BENEFIT FOR NONPARTICIPATION**
14 **OF ELIGIBLE MEMBERS IN POST-DEPLOY-**
15 **MENT/MOBILIZATION RESPITE ABSENCE**
16 **PROGRAM DUE TO GOVERNMENT ERROR.**

17 (a) PAYMENT OF BENEFIT.—

18 (1) IN GENERAL.—Upon application, the Sec-
19 retary concerned shall make a payment to each indi-
20 vidual described in paragraph (2) of \$200 for each
21 day of nonparticipation of such individual in the
22 Post-Deployment/Mobilization Respite Absence pro-
23 gram as described in that paragraph.

24 (2) COVERED INDIVIDUALS.—An individual de-
25 scribed in this paragraph is an individual who—

1 (A) was eligible for participation as a
2 member of the Armed Forces in the Post-De-
3 ployment/Mobilization Respite Absence pro-
4 gram; but

5 (B) as determined by the Secretary con-
6 cerned pursuant to an application for the cor-
7 rection of the military records of such indi-
8 vidual pursuant to section 1552 of title 10,
9 United States Code, or other process as deter-
10 mined by the Secretary, did not participate in
11 one or more days in the program for which the
12 individual was so eligible due to Government
13 error.

14 (b) DECEASED INDIVIDUALS.—

15 (1) APPLICATIONS.—If an individual otherwise
16 covered by subsection (a) is deceased, the application
17 required by that subsection shall be made by the in-
18 dividual's legal representative.

19 (2) PAYMENT.—If an individual to whom pay-
20 ment would be made under subsection (a) is de-
21 ceased at time of payment, payment shall be made
22 in the manner specified in section 1552(c)(2) of title
23 10, United States Code, or other process as deter-
24 mined by the Secretary concerned.

1 (c) PAYMENT IN LIEU OF ADMINISTRATIVE AB-
2 SENCE.—Payment under subsection (a) with respect to a
3 day described in that subsection shall be in lieu of any
4 entitlement of the individual concerned to a day of admin-
5 istrative absence for such day.

6 (d) CONSTRUCTION.—

7 (1) CONSTRUCTION WITH OTHER PAY.—Any
8 payment with respect to an individual under sub-
9 section (a) is in addition to any other pay provided
10 by law.

11 (2) CONSTRUCTION OF AUTHORITY.—It is the
12 sense of Congress that—

13 (A) the sole purpose of the authority in
14 this section is to remedy administrative errors;
15 and

16 (B) the authority in this section is not in-
17 tended to establish any entitlement in connec-
18 tion with the Post-Deployment/Mobilization
19 Respite Absence program.

20 (e) DEFINITIONS.—In this section, the terms “Post-
21 Deployment/Mobilization Respite Absence program” and
22 “Secretary concerned” have the meaning given such terms
23 in section 604(f) of the National Defense Authorization
24 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
25 2350).

1 **Subtitle B—Bonuses and Special**
2 **and Incentive Pays**

3 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
4 **SPECIAL PAY AUTHORITIES FOR RESERVE**
5 **FORCES.**

6 The following sections of title 37, United States
7 Code, are amended by striking “December 31, 2012” and
8 inserting “December 31, 2013”:

9 (1) Section 308b(g), relating to Selected Re-
10 serve reenlistment bonus.

11 (2) Section 308c(i), relating to Selected Reserve
12 affiliation or enlistment bonus.

13 (3) Section 308d(c), relating to special pay for
14 enlisted members assigned to certain high-priority
15 units.

16 (4) Section 308g(f)(2), relating to Ready Re-
17 serve enlistment bonus for persons without prior
18 service.

19 (5) Section 308h(e), relating to Ready Reserve
20 enlistment and reenlistment bonus for persons with
21 prior service.

22 (6) Section 308i(f), relating to Selected Reserve
23 enlistment and reenlistment bonus for persons with
24 prior service.

1 (7) Section 408a(e), relating to reimbursement
2 of travel expenses for inactive-duty training outside
3 of normal commuting distance.

4 (8) Section 910(g), relating to income replace-
5 ment payments for reserve component members ex-
6 periencing extended and frequent mobilization for
7 active duty service.

8 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
9 **SPECIAL PAY AUTHORITIES FOR HEALTH**
10 **CARE PROFESSIONALS.**

11 (a) TITLE 10 AUTHORITIES.—The following sections
12 of title 10, United States Code, are amended by striking
13 “December 31, 2012” and inserting “December 31,
14 2013”:

15 (1) Section 2130a(a)(1), relating to nurse offi-
16 cer candidate accession program.

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

20 (b) TITLE 37 AUTHORITIES.—The following sections
21 of title 37, United States Code, are amended by striking
22 “December 31, 2012” and inserting “December 31,
23 2013”:

24 (1) Section 302e–1(f), relating to accession and
25 retention bonuses for psychologists.

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

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

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

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

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

12 (7) Section 302k(f), relating to accession bonus
13 for medical officers in critically short wartime spe-
14 cialties.

15 (8) Section 302l(g), relating to accession bonus
16 for dental specialist officers in critically short war-
17 time specialties.

18 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
19 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
20 **CERS.**

21 The following sections of title 37, United States
22 Code, are amended by striking “December 31, 2012” and
23 inserting “December 31, 2013”:

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

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

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

8 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
10 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
11 **TIES.**

12 The following sections of title 37, United States
13 Code, are amended by striking “December 31, 2012” and
14 inserting “December 31, 2013”:

15 (1) Section 331(h), relating to general bonus
16 authority for enlisted members.

17 (2) Section 332(g), relating to general bonus
18 authority for officers.

19 (3) Section 333(i), relating to special bonus and
20 incentive pay authorities for nuclear officers.

21 (4) Section 334(i), relating to special aviation
22 incentive pay and bonus authorities for officers.

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

1 (6) Section 351(h), relating to hazardous duty
2 pay.

3 (7) Section 352(g), relating to assignment pay
4 or special duty pay.

5 (8) Section 353(i), relating to skill incentive
6 pay or proficiency bonus.

7 (9) Section 355(h), relating to retention incen-
8 tives for members qualified in critical military skills
9 or assigned to high priority units.

10 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
11 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
12 **NUSES AND SPECIAL PAYS.**

13 The following sections of title 37, United States
14 Code, are amended by striking “December 31, 2012” and
15 inserting “December 31, 2013”:

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

18 (2) Section 307a(g), relating to assignment in-
19 centive pay.

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

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

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

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

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

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

8 **SEC. 616. INCREASE IN MAXIMUM AMOUNT OF OFFICER AF-**
9 **FILIATION BONUS FOR OFFICERS IN THE SE-**
10 **LECTED RESERVE.**

11 Section 308j(d) of title 37, United States Code, is
12 amended by striking “\$10,000” and inserting “\$20,000”.

13 **SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE**
14 **BONUS FOR RESERVE COMPONENT MEM-**
15 **BERS WHO CONVERT MILITARY OCCUPA-**
16 **TIONAL SPECIALTY TO EASE PERSONNEL**
17 **SHORTAGES.**

18 Section 326(c)(1) of title 37, United States Code, is
19 amended by striking “\$4,000, in the case of a member
20 of a regular component of the armed forces, and \$2,000,
21 in the case of a member of a reserve component of the
22 armed forces.” and inserting “\$4,000.”.

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

3 **SEC. 621. PERMANENT CHANGE OF STATION ALLOWANCES**
4 **FOR MEMBERS OF SELECTED RESERVE**
5 **UNITS FILLING A VACANCY IN ANOTHER**
6 **UNIT AFTER BEING INVOLUNTARILY SEPA-**
7 **RATED.**

8 (a) TRAVEL AND TRANSPORTATION ALLOWANCES
9 GENERALLY.—Section 474 of title 37, United States
10 Code, is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (4), by striking “and” at
13 the end;

14 (B) in paragraph (5), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following new
17 paragraph:

18 “(6) upon filling a vacancy in a Selected Re-
19 serve unit at a duty station that is more than 150
20 miles from the member’s residence if—

21 “(A) during the preceding three years the
22 member was involuntarily separated under
23 other than adverse conditions (as characterized
24 by the Secretary concerned) while assigned to a
25 unit of the Selected Reserve certified by the

1 Secretary concerned as having been adversely
2 affected by force structure reductions during
3 the period beginning on October 1, 2012, and
4 ending on December 31, 2018;

5 “(B) the involuntary separation occurred
6 during the period beginning on October 1,
7 2012, and ending on December 31, 2018; and

8 “(C) the member is—

9 “(i) qualified in a skill designated as
10 critically short by the Secretary concerned;

11 or

12 “(ii) filling a vacancy in a Selected
13 Reserve unit with a critical manpower
14 shortage, or in a pay grade with a critical
15 manpower shortage in such unit.”;

16 (2) in subsection (f), by adding at the end the
17 following new paragraph:

18 “(4)(A) A member may be provided travel and trans-
19 portation allowances under subsection (a)(6) only with re-
20 spect to the filling of a vacancy in a Selected Reserve unit
21 one time.

22 “(B) Regulations under this section shall provide that
23 whenever travel and transportation allowances are paid
24 under subsection (a)(6), the cost shall be borne by the unit
25 filling the vacancy.”; and

1 (3) in subsection (j), by inserting “(except sub-
2 section (a)(6))” after “In this section”.

3 (b) TRAVEL AND TRANSPORTATION ALLOWANCES
4 FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section
5 476 of such title is amended—

6 (1) by redesignating subsections (l), (m), and
7 (n) as subsections (m), (n), and (o), respectively;
8 and

9 (2) by inserting after subsection (k) the fol-
10 lowing new subsection (l):

11 “(l)(1) A member described in paragraph (2) is enti-
12 tled to the travel and transportation allowances, including
13 allowances with respect to dependents, authorized by this
14 section upon filling a vacancy as described in that para-
15 graph as if the member were undergoing a permanent
16 change of station under orders in filling such vacancy.

17 “(2) A member described in this paragraph is a mem-
18 ber who is filling a vacancy in a Selected Reserve unit at
19 a duty station that is more than 150 miles from the mem-
20 ber’s residence if—

21 “(A) during the three years preceding filling the
22 vacancy, the member was involuntarily separated
23 under other than adverse conditions (as character-
24 ized by the Secretary concerned) while assigned to a
25 unit of the Selected Reserve certified by the Sec-

1 retary concerned as having been adversely affected
2 by force structure reductions during the period be-
3 ginning on October 1, 2012, and ending on Decem-
4 ber 31, 2018;

5 “(B) the involuntary separation occurred during
6 the period beginning on October 1, 2012, and ending
7 on December 31, 2018; and

8 “(C) the member is—

9 “(i) qualified in a skill designated as criti-
10 cally short by the Secretary concerned; or

11 “(ii) filling a vacancy in a Selected Reserve
12 unit with a critical manpower shortage, or in a
13 pay grade with a critical manpower shortage in
14 such unit.

15 “(3) Any allowances authorized by this section that
16 are payable under this subsection may be payable in ad-
17 vance if payable in advance to a member undergoing a
18 permanent change of station under orders under the appli-
19 cable provision of this section.”.

20 **SEC. 622. AUTHORITY FOR COMPREHENSIVE PROGRAM**

21 **FOR SPACE-AVAILABLE TRAVEL ON DEPART-**

22 **MENT OF DEFENSE AIRCRAFT.**

23 (a) PROGRAM AUTHORIZED.—Section 2641b of title
24 10, United States Code, is amended to read as follows:

1 **“§ 2641b. Space-available travel on Department of De-**
2 **fense aircraft: program authorized and**
3 **eligible recipients**

4 “(a) AUTHORITY TO ESTABLISH PROGRAM.—(1) The
5 Secretary of Defense may establish a program (in this sec-
6 tion referred to as the ‘travel program’) to provide trans-
7 portation on Department of Defense aircraft on a space-
8 available basis to the categories of individuals eligible
9 under subsection (c).

10 “(2) If the Secretary makes a determination to estab-
11 lish the travel program, the Secretary shall prescribe regu-
12 lations for the operation of the travel program not later
13 than one year after the date on which the determination
14 was made. The regulations shall take effect on that date
15 or such earlier date as the Secretary shall specify in the
16 regulations.

17 “(3) Not later than 30 days after making the deter-
18 mination to establish the travel program, the Secretary
19 shall submit to the congressional defense committees an
20 initial implementation report describing—

21 “(A) the basis for the determination;

22 “(B) any additional categories of individuals to
23 be eligible for the travel program under subsection
24 (c)(5);

25 “(C) how the Secretary will ensure that the
26 travel program is established and operated in com-

1 pliance with the conditions specified in subsection
2 (b); and

3 “(D) the metrics by which the Secretary will
4 monitor the travel program to determine the effi-
5 cient and effective execution of the travel program.

6 “(b) CONDITIONS ON ESTABLISHMENT AND OPER-
7 ATION.—(1) The Secretary of Defense shall operate the
8 travel program in a budget-neutral manner.

9 “(2) No additional funds may be used, or flight hours
10 performed, for the purpose of providing transportation
11 under the travel program.

12 “(c) ELIGIBLE INDIVIDUALS.—Subject to subsection
13 (d), the Secretary of Defense shall provide transportation
14 under the travel program (if established) to the following
15 categories of individuals:

16 “(1) Members of the armed forces on active
17 duty.

18 “(2) Members of the Selected Reserve who hold
19 a valid Uniformed Services Identification and Privi-
20 lege Card.

21 “(3) Retired members of a regular or reserve
22 component of the armed forces, including retired
23 members of reserve components who, but for being
24 under the eligibility age applicable under section

1 12731 of this title, would be eligible for retired pay
2 under chapter 1223 of this title.

3 “(4) Such categories of dependents of individ-
4 uals described in paragraphs (1) through (3) as the
5 Secretary shall specify in the regulations under sub-
6 section (a), under such conditions and circumstances
7 as the Secretary shall specify in such regulations.

8 “(5) Such other categories of individuals as the
9 Secretary, in the discretion of the Secretary, con-
10 siderers appropriate.

11 “(d) PRIORITIES AND RESTRICTIONS.—In operating
12 the travel program, the Secretary of Defense shall—

13 “(1) in the sole discretion of the Secretary, es-
14 tablish an order of priority for transportation under
15 the travel program for categories of eligible individ-
16 uals that is based on considerations of military ne-
17 cessity, humanitarian concerns, and enhancement of
18 morale;

19 “(2) give priority in consideration of transpor-
20 tation under the travel program to the demands of
21 members of the armed forces in the regular compo-
22 nents and in the reserve components on active duty
23 and to the need to provide such members, and their
24 dependents, a means of respite from such demands;
25 and

1 “(3) implement policies aimed at ensuring cost
2 control (as required by subsection (b)) and the safe-
3 ty, security, and efficient processing of travelers, in-
4 cluding limiting the benefit under the travel program
5 to one or more categories of otherwise eligible indi-
6 viduals if considered necessary by the Secretary.

7 “(e) SPECIAL PRIORITY FOR RETIRED MEMBERS RE-
8 SIDING IN COMMONWEALTHS AND POSSESSIONS OF THE
9 UNITED STATES WHO NEED CERTAIN HEALTH CARE
10 SERVICES.—(1) Notwithstanding subsection (d)(1), in es-
11 tablishing space-available transportation priorities under
12 the travel program, the Secretary of Defense shall provide
13 transportation for an individual described in paragraph
14 (2), and a single dependent of the individual if needed to
15 accompany the individual, at a priority level in the same
16 category as the priority level for an unaccompanied de-
17 pendent over the age of 18 traveling on environmental and
18 morale leave.

19 “(2) Subject to paragraph (3), paragraph (1) applies
20 with respect to an individual described in subsection (e)(3)
21 who—

22 “(A) resides in or is located in a Common-
23 wealth or possession of the United States; and

24 “(B) is referred by a military or civilian pri-
25 mary care provider located in that Commonwealth or

1 possession to a specialty care provider for services to
2 be provided outside of that Commonwealth or pos-
3 session.

4 “(3) If an individual described in subsection (c)(3)
5 is a retired member of a reserve component who is ineli-
6 gible for retired pay under chapter 1223 of this title by
7 reason of being under the eligibility age applicable under
8 section 12731 of this title, paragraph (1) applies to the
9 individual only if the individual is also enrolled in the
10 TRICARE program for certain members of the Retired
11 Reserve authorized under section 1076e of this title.

12 “(4) The priority for space-available transportation
13 required by this subsection applies with respect to both—

14 “(A) the travel from the Commonwealth or pos-
15 session of the United States to receive the specialty
16 care services; and

17 “(B) the return travel.

18 “(5) The requirement to provide transportation on
19 Department of Defense aircraft on a space-available basis
20 on the priority basis described in paragraph (1) to individ-
21 uals covered by this subsection applies whether or not the
22 travel program is established under this section.

23 “(6) In this subsection, the terms ‘primary care pro-
24 vider’ and ‘specialty care provider’ refer to a medical or

1 dental professional who provides health care services
2 under chapter 55 of this title.

3 “(f) CONSTRUCTION.—The authority to provide
4 transportation under the travel program is in addition to
5 any other authority under law to provide transportation
6 on Department of Defense aircraft on a space-available
7 basis.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 157 of such title is amended
10 by striking the item relating to section 2641b and insert-
11 ing the following new item:

“2641b. Space-available travel on Department of Defense aircraft: program au-
thorized and eligible recipients.”.

12 **Subtitle D—Benefits and Services**
13 **for Members Being Separated or**
14 **Recently Separated**

15 **SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO**
16 **YEARS OF COMMISSARY AND EXCHANGE**
17 **BENEFITS AFTER SEPARATION.**

18 (a) EXTENSION OF AUTHORITY.—Section 1146 of
19 title 10, United States Code, is amended—

20 (1) in subsection (a), by striking “2012” and
21 inserting “2018”; and

22 (2) in subsection (b), by striking “2012” and
23 inserting “2018”.

1 (b) CORRECTION OF REFERENCE TO ADMINISTERING
2 SECRETARY.—Such section is further amended—

3 (1) in subsection (a), by striking “The Sec-
4 retary of Transportation” and inserting “The Sec-
5 retary concerned”; and

6 (2) in subsection (b), by striking “The Sec-
7 retary of Homeland Security” and inserting “The
8 Secretary concerned”.

9 **SEC. 632. TRANSITIONAL USE OF MILITARY FAMILY HOUS-**
10 **ING.**

11 (a) RESUMPTION OF AUTHORITY TO AUTHORIZE
12 TRANSITIONAL USE.—Subsection (a) of section 1147 of
13 title 10, United States Code, is amended—

14 (1) in paragraph (1), by striking “October 1,
15 1990, and ending on December 31, 2001” and in-
16 serting “October 1, 2012, and ending on December
17 31, 2018”; and

18 (2) in paragraph (2), by striking “October 1,
19 1994, and ending on December 31, 2001” and in-
20 serting “October 1, 2012, and ending on December
21 31, 2018”.

22 (b) PROHIBITION ON PROVISION OF TRANSITIONAL
23 BASIC ALLOWANCE FOR HOUSING.—Such section is fur-
24 ther amended by adding at the end the following new sub-
25 section:

1 “(c) NO TRANSITIONAL BASIC ALLOWANCE FOR
2 HOUSING.—Nothing in this section shall be construed to
3 authorize the Secretary concerned to continue to provide
4 for any period of time to an individual who is involuntarily
5 separated all or any portion of a basic allowance for hous-
6 ing to which the individual was entitled under section 403
7 of title 37 immediately before being involuntarily sepa-
8 rated, even in cases in which the individual or members
9 of the individual’s household continue to reside after the
10 separation in a housing unit acquired or constructed under
11 the alternative authority of subchapter IV of chapter 169
12 of this title that is not owned or leased by the United
13 States.”.

14 (c) CORRECTION OF REFERENCE TO ADMINISTERING
15 SECRETARY.—Subsection (a)(2) of such section is further
16 amended by striking “The Secretary of Transportation”
17 and inserting “The Secretary concerned”.

1 **Subtitle E—Disability, Retired Pay,**
2 **and Survivor Benefits**

3 **SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF**
4 **SURVIVOR BENEFIT PLAN PREMIUMS WHEN**
5 **PARTICIPANT WAIVES RETIRED PAY TO PRO-**
6 **VIDE A SURVIVOR ANNUITY UNDER FEDERAL**
7 **EMPLOYEES RETIREMENT SYSTEM AND TER-**
8 **MINATING PAYMENT OF THE SURVIVOR BEN-**
9 **EFIT PLAN ANNUITY.**

10 (a) DEPOSITS NOT REQUIRED.—Section 1452(e) of
11 title 10, United States Code, is amended—

12 (1) in the subsection heading, by inserting
13 “AND FERS” after “CSRS”;

14 (2) by inserting “or chapter 84 of such title”
15 after “chapter 83 of title 5”;

16 (3) by inserting “or 8416(a)” after “8339(j)”;

17 and

18 (4) by inserting “or 8442(a)” after “8341(b)”.

19 (b) CONFORMING AMENDMENTS.—Section 1450(d)
20 of such title is amended—

21 (1) by inserting “or chapter 84 of such title”
22 after “chapter 83 of title 5”;

23 (2) by inserting “or 8416(a)” after “8339(j)”;

24 and

25 (3) by inserting “or 8442(a)” after “8341(b)”.

1 (c) APPLICATION OF AMENDMENTS.—The amend-
2 ments made by this section shall apply with respect to any
3 participant electing an annuity for survivors under chapter
4 84 of title 5, United States Code, on or after the date
5 of the enactment of this Act.

6 **SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY**
7 **SERVICEMEMBERS' GROUP LIFE INSURANCE**
8 **FOR MEMBERS OF THE ARMED FORCES MAR-**
9 **RIED TO OTHER MEMBERS.**

10 Section 1967(a)(1) of title 38, United States Code,
11 is amended—

12 (1) in subparagraph (A)(ii), by inserting after
13 “insurable dependent of the member” the following:
14 “(other than a dependent who is also a member of
15 a uniformed service and, because of such member-
16 ship, is automatically insured under this para-
17 graph)”; and

18 (2) in subparagraph (C)(ii), by inserting after
19 “insurable dependent of the member” the following:
20 “(other than a dependent who is also a member of
21 a uniformed service and, because of such member-
22 ship, is automatically insured under this para-
23 graph)”.

1 **SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-**
2 **RELATED SPECIAL COMPENSATION FOR**
3 **CHAPTER 61 DISABILITY RETIREES.**

4 (a) IN GENERAL.—Section 1413a(b)(3) of title 10,
5 United States Code, is amended by striking “shall be re-
6 duced by the amount (if any) by which the amount of the
7 member’s retired pay under chapter 61 of this title ex-
8 ceeds” both places it appears and inserting “may not,
9 when combined with the amount of retired pay payable
10 to the retiree after any such reduction under sections 5304
11 and 5305 of title 38, cause the total of such combined
12 payment to exceed”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 this section shall take effect as of January 1, 2013, and
15 shall apply to payments for months beginning on or after
16 that date.

17 **Subtitle F—Commissary and Non-**
18 **appropriated Fund Instrumen-**
19 **tality Benefits and Operations**

20 **SEC. 651. REPEAL OF CERTAIN RECORDKEEPING AND RE-**
21 **PORTING REQUIREMENTS APPLICABLE TO**
22 **COMMISSARY AND EXCHANGE STORES OVER-**
23 **SEAS.**

24 (a) REPEAL.—Section 2489 of title 10, United States
25 Code, is amended by striking subsections (b) and (c).

1 (b) CONFORMING AMENDMENTS.—Such section is
2 further amended—

3 (1) by striking “GENERAL AUTHORITY.—(1)”
4 and inserting “AUTHORITY TO ESTABLISH RESTRIC-
5 TIONS.—”;

6 (2) by striking “(2)” and inserting “(b) LIM-
7 TATIONS ON USE OF AUTHORITY.—”; and

8 (3) by redesignating subparagraphs (A) and
9 (B) as paragraphs (1) and (2), respectively.

10 **SEC. 652. TREATMENT OF FISHER HOUSE FOR THE FAMI-**
11 **LIES OF THE FALLEN AND MEDITATION PA-**
12 **VILION AT DOVER AIR FORCE BASE, DELA-**
13 **WARE, AS A FISHER HOUSE.**

14 (a) FISHER HOUSES AND AUTHORIZED FISHER
15 HOUSE RESIDENTS.—Subsection (a) of section 2493 of
16 title 10, United States Code, is amended—

17 (1) in paragraph (1)(B), by striking “by pa-
18 tients” and all that follows through “such patients;”
19 and inserting “by authorized Fisher House resi-
20 dents;”;

21 (2) by redesignating paragraph (2) as para-
22 graph (3);

23 (3) by inserting after paragraph (1) the fol-
24 lowing new paragraph:

1 “(2) The term ‘Fisher House’ includes the
2 Fisher House for the Families of the Fallen and
3 Meditation Pavilion at Dover Air Force Base, Dela-
4 ware, so long as such facility is available for residen-
5 tial use on a temporary basis by authorized Fisher
6 House residents.”; and

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

9 “(4) The term ‘authorized Fisher House resi-
10 dents’ means the following:

11 “(A) With respect to a Fisher House de-
12 scribed in paragraph (1) that is located in prox-
13 imity to a health care facility of the Army, the
14 Air Force, or the Navy, the following persons:

15 “(i) Patients of that health care facil-
16 ity.

17 “(ii) Members of the families of such
18 patients.

19 “(iii) Other persons providing the
20 equivalent of familial support for such pa-
21 tients.

22 “(B) With respect to the Fisher House de-
23 scribed in paragraph (2), the following persons:

1 “(i) The primary next of kin of a
2 member of the armed forces who dies while
3 located or serving overseas.

4 “(ii) Other family members of the de-
5 ceased member who are eligible for trans-
6 portation under section 481f(e) of title 37.

7 “(iii) An escort of a family member
8 described in clause (i) or (ii).”.

9 (b) CONFORMING AMENDMENTS.—Subsections (b),
10 (e), and (f) of such section are amended by striking
11 “health care” each place it appears.

12 (c) REPEAL OF FISCAL YEAR 2012 FREESTANDING
13 DESIGNATION.—Section 643 of the National Defense Au-
14 thorization Act for Fiscal Year 2012 (Public Law 112–
15 81; 125 Stat. 1466) is repealed.

16 **Subtitle G—Military Lending**

17 **SEC. 661. ADDITIONAL ENHANCEMENTS OF PROTECTIONS** 18 **ON CONSUMER CREDIT FOR MEMBERS OF** 19 **THE ARMED FORCES AND THEIR DEPEND-** 20 **ENTS.**

21 (a) PROTECTIONS AGAINST DIFFERENTIAL TREAT-
22 MENT ON CONSUMER CREDIT UNDER STATE LAW.—Sub-
23 section (d)(2) of section 987 of title 10, United States
24 Code, is amended—

1 (1) in subparagraph (A), by inserting “any con-
2 sumer credit or” before “loans”; and

3 (2) in subparagraph (B), by inserting “covering
4 consumer credit” after “State consumer lending pro-
5 tections”.

6 (b) REGULAR CONSULTATIONS ON PROTECTION.—

7 Subsection (h)(3) of such section is amended—

8 (1) in the matter preceding subparagraph (A),
9 by inserting “and not less often than once every two
10 years thereafter,” after “under this subsection,”;
11 and

12 (2) by striking subparagraph (E) and inserting
13 the following new subparagraph:

14 “(E) The Bureau of Consumer Financial Pro-
15 tection.”.

16 (c) EFFECTIVE DATE.—

17 (1) MODIFICATION OF REGULATIONS.—The
18 Secretary of Defense shall modify the regulations
19 prescribed under subsection (h) of section 987 of
20 title 10, United States Code, to take into account
21 the amendments made by subsection (a).

22 (2) EFFECTIVE DATE.—The amendments made
23 by subsection (a) shall take effect on—

24 (A) the date that is one year after the date
25 of the enactment of this Act; or

1 (B) such earlier date as the Secretary shall
2 specify in the modification of regulations re-
3 quired by paragraph (1).

4 (3) PUBLICATION OF EARLIER DATE.—If the
5 Secretary specifies an earlier effective date for the
6 amendments made by subsection (a) pursuant to
7 paragraph (2)(B), the Secretary shall publish notice
8 of such earlier effective date in the Federal Register
9 not later than 90 days before such earlier effective
10 date.

11 **SEC. 662. EFFECT OF VIOLATIONS OF PROTECTIONS ON**
12 **CONSUMER CREDIT EXTENDED TO MEMBERS**
13 **OF THE ARMED FORCES AND THEIR DEPEND-**
14 **ENTS.**

15 (a) CIVIL LIABILITY.—Section 987(f) of title 10,
16 United States Code, is amended by adding at the end the
17 following new paragraph:

18 “(5) CIVIL LIABILITY.—

19 “(A) IN GENERAL.—A person who violates
20 this section with respect to any person is civilly
21 liable to such person for—

22 “(i) any actual damage sustained as a
23 result, but not less than \$500 for each vio-
24 lation;

25 “(ii) appropriate punitive damages;

1 “(iii) appropriate equitable or declara-
2 tory relief; and

3 “(iv) any other relief provided by law.

4 “(B) COSTS OF THE ACTION.—In any suc-
5 cessful action to enforce the civil liability de-
6 scribed in subparagraph (A), the person who
7 violated this section is also liable for the costs
8 of the action, together with reasonable attorney
9 fees as determined by the court.

10 “(C) EFFECT OF FINDING OF BAD FAITH
11 AND HARASSMENT.—In any successful action
12 by a defendant under this section, if the court
13 finds the action was brought in bad faith and
14 for the purpose of harassment, the plaintiff is
15 liable for the attorney fees of the defendant as
16 determined by the court to be reasonable in re-
17 lation to the work expended and costs incurred.

18 “(D) DEFENSES.—A person may not be
19 held liable for civil liability under this para-
20 graph if the person shows by a preponderance
21 of evidence that the violation was not inten-
22 tional and resulted from a bona fide error not-
23 withstanding the maintenance of procedures
24 reasonably adapted to avoid any such error. Ex-
25 amples of a bona fide error include clerical, cal-

1 culation, computer malfunction and program-
2 ming, and printing errors, except that an error
3 of legal judgment with respect to a person's ob-
4 ligations under this section is not a bona fide
5 error.

6 “(E) JURISDICTION, VENUE, AND STATUTE
7 OF LIMITATIONS.—An action for civil liability
8 under this paragraph may be brought in any
9 appropriate United States district court, with-
10 out regard to the amount in controversy, or in
11 any other court of competent jurisdiction, not
12 later than the earlier of—

13 “(i) two years after the date of dis-
14 covery by the plaintiff of the violation that
15 is the basis for such liability; or

16 “(ii) five years after the date on which
17 the violation that is the basis for such li-
18 ability occurs.”.

19 (b) ENFORCEMENT AUTHORITY.—Such section is
20 further amended by inserting after paragraph (5), as
21 added by subsection (a), the following new paragraph:

22 “(6) ADMINISTRATIVE ENFORCEMENT.—The
23 provisions of this section (other than paragraph (1)
24 of this subsection) shall be enforced by the agencies
25 specified in section 108 of the Truth in Lending Act

1 (15 U.S.C. 1607) in the manner set forth in that
2 section or under any other applicable authorities
3 available to such agencies by law.”.

4 (c) APPLICATION OF AMENDMENT.—The amendment
5 made by subsection (a) shall apply with respect to con-
6 sumer credit extended on or after the date of the enact-
7 ment of this Act.

8 **SEC. 663. CONSISTENT DEFINITION OF DEPENDENT FOR**
9 **PURPOSES OF APPLYING LIMITATIONS ON**
10 **TERMS OF CONSUMER CREDIT EXTENDED TO**
11 **CERTAIN MEMBERS OF THE ARMED FORCES**
12 **AND THEIR DEPENDENTS.**

13 Paragraph (2) of section 987(i) of title 10, United
14 States Code, is amended to read as follows:

15 “(2) DEPENDENT.—The term ‘dependent’, with
16 respect to a covered member, means a person de-
17 scribed in subparagraph (A), (D), (E), or (I) of sec-
18 tion 1072(2) of this title.”.

19 **Subtitle H—Military Compensation**
20 **and Retirement Modernization**
21 **Commission**

22 **SEC. 671. PURPOSE, SCOPE, AND DEFINITIONS.**

23 (a) PURPOSE.—The purpose of this subtitle is to es-
24 tablish the Military Compensation and Retirement Mod-
25 ernization Commission to conduct a review of the military

1 compensation and retirement systems and to make rec-
2 ommendations to modernize such systems in order to—

3 (1) ensure the long-term viability of the All-Vol-
4 unteer Force by sustaining the required human re-
5 sources of that force during all levels of conflict and
6 economic conditions;

7 (2) enable the quality of life for members of the
8 Armed Forces and the other uniformed services and
9 their families in a manner that fosters successful re-
10 cruitment, retention, and careers for members of the
11 Armed Forces and the other uniformed services; and

12 (3) modernize and achieve fiscal sustainability
13 for the compensation and retirement systems for the
14 Armed Forces and the other uniformed services for
15 the 21st century.

16 (b) SCOPE OF REVIEW.—

17 (1) REQUIRED ELEMENTS OF REVIEW.—In
18 order to provide the fullest understanding of the
19 matters required to balance the primary purpose of
20 the review specified in subsection (a), the Commis-
21 sion shall make its recommendations for changes to
22 the military compensation and retirement systems
23 only after—

24 (A) examining all laws, policies, and prac-
25 tices of the Federal Government that result in

1 any direct payment of authorized or appro-
2 priated funds to—

3 (i) current and former members (vet-
4 eran and retired) of the uniformed serv-
5 ices, including the reserve components of
6 those services; and

7 (ii) the spouses, family members, chil-
8 dren, survivors, and other persons author-
9 ized to receive such payments as a result
10 of their connection to the members of the
11 uniformed services named in clause (i);

12 (B) examining all laws, policies, and prac-
13 tices of the Federal Government that result in
14 any expenditure of authorized or appropriated
15 funds to support the persons named in subpara-
16 graph (A) and their quality of life, including—

17 (i) health, disability, survivor, edu-
18 cation, and dependent support programs of
19 the Department of Defense and the De-
20 partment of Veterans Affairs, including
21 outlays from the various Federal trust
22 funds supporting those programs;

23 (ii) Department of Education impact
24 aid;

1 (iii) support or funding provided to
2 States, territories, colleges and universities;

3 (iv) Department of Defense morale,
4 recreation, and welfare programs, the re-
5 sale programs (military exchanges and
6 commissaries), and dependent school sys-
7 tem;

8 (v) the tax treatment of military com-
9 pensation and benefits; and

10 (vi) military family housing; and

11 (C) such other matters as the Commission
12 considers appropriate.

13 (2) PRIORITIES.—In weighing its recommenda-
14 tions on those matters necessary to sustain the
15 human resources of the All-Volunteer Force, the
16 Commission shall—

17 (A) pay particular attention to the inter-
18 relationships and interplay of impact between
19 and among the various programs of the Federal
20 Government, especially as those programs influ-
21 ence decisions of persons about joining the uni-
22 formed services and of members of the uni-
23 formed services about remaining in the those
24 services; and

1 (B) closely weigh its recommendations re-
2 garding the web of interrelated programs sup-
3 porting spouses and families of members of the
4 uniformed services, so that changes in such pro-
5 grams do not adversely impact decisions to re-
6 main in the uniformed services.

7 (3) EXCEPTION.—The Commission shall not ex-
8 amine any program that uses appropriated funding
9 for initial entry training or unit training of members
10 of the uniformed services.

11 (c) DEFINITIONS.—In this subtitle:

12 (1) The term “Armed Forces” has the meaning
13 given the term “armed forces” in section 101(a)(4)
14 of title 10, United States Code.

15 (2) The term “Commission” means the Military
16 Compensation and Retirement Modernization Com-
17 mission established by section 672.

18 (3) The term “Commission establishment date”
19 means the first day of the first month beginning on
20 or after the date of the enactment of this Act.

21 (4) The term “military compensation and re-
22 tirement systems” means the military compensation
23 system and the military retirement system.

24 (5) The term “military compensation system”
25 means provisions of law providing eligibility for and

1 the computation of military compensation, including
2 regular military compensation, special and incentive
3 pays and allowances, medical and dental care, edu-
4 cational assistance and related benefits, and com-
5 missary and exchange benefits and related benefits
6 and activities.

7 (6) The term “military retirement system”
8 means retirement benefits, including retired pay
9 based upon service in the uniformed services and
10 survivor annuities based upon such service.

11 (7) The term “Secretary” means the Secretary
12 of Defense.

13 (8) The term “uniformed services” has the
14 meaning given that term in section 101(a)(5) of title
15 10, United States Code.

16 (9) The terms “veterans service organization”
17 and “military-related advocacy group or association”
18 mean an organization whose primary purpose is to
19 advocate for veterans, military personnel, military
20 retirees, or military families.

21 **SEC. 672. MILITARY COMPENSATION AND RETIREMENT**
22 **MODERNIZATION COMMISSION.**

23 (a) ESTABLISHMENT.—There is established in the ex-
24 ecutive branch an independent commission to be known
25 as the Military Compensation and Retirement Moderniza-

1 tion Commission. The Commission shall be considered an
2 independent establishment of the Federal Government as
3 defined by section 104 of title 5, United States Code, and
4 a temporary organization under section 3161 of such title.

5 (b) MEMBERSHIP.—

6 (1) NUMBER AND APPOINTMENT.—The Com-
7 mission shall be composed of nine members ap-
8 pointed as follows:

9 (A) The President shall appoint one mem-
10 ber.

11 (B) The Majority Leader of the Senate, in
12 consultation with the Chairman of the Com-
13 mittee on Armed Services of the Senate, shall
14 appoint two members.

15 (C) The Minority Leader of the Senate, in
16 consultation with the Ranking Member of the
17 Committee on Armed Services of the Senate,
18 shall appoint two members.

19 (D) The Speaker of the House of Rep-
20 resentatives, in consultation with the Chairman
21 of the Committee on Armed Services of the
22 House of Representatives, shall appoint two
23 members.

24 (E) The Minority Leader of the House of
25 Representatives, in consultation with the Rank-

1 ing Member of the Committee on Armed Serv-
2 ices of the House of Representatives, shall ap-
3 point two members.

4 (2) DEADLINE FOR APPOINTMENT.—Members
5 shall be appointed to the Commission under para-
6 graph (1) not later than four months after the Com-
7 mission establishment date.

8 (3) QUALIFICATIONS OF INDIVIDUALS AP-
9 POINTED.—In appointing members of the Commis-
10 sion, the President and Members of Congress speci-
11 fied in paragraph (1) shall ensure that, collectively,
12 there are members with significant expertise regard-
13 ing the matters described in section 671. The types
14 of specific expertise and experience to be considered
15 include the following:

16 (A) Federal civilian employee compensation
17 and retirement.

18 (B) Military compensation and retirement.

19 (C) Private sector compensation, retire-
20 ment, or human resource systems.

21 (D) Active duty service in a regular compo-
22 nent of the uniformed services.

23 (E) Service in a reserve component.

24 (F) Experience as a spouse of a member of
25 the uniformed services.

1 (G) Service as an enlisted member of the
2 uniformed services.

3 (H) Military family policy development and
4 implementation.

5 (I) Department of Veterans Affairs benefit
6 programs.

7 (J) Actuarial science.

8 (4) LIMITATION.—An individual who, within
9 the preceding year, has been employed by a veterans
10 service organization or military-related advocacy
11 group or association may not be appointed to the
12 Commission.

13 (c) CHAIR.—The President shall designate one of the
14 members of the Commission to be Chair of the Commis-
15 sion. The individual designated as Chair of the Commis-
16 sion shall be a person who has expertise in the military
17 compensation and retirement systems. The Chair, or the
18 designee of the Chair, shall preside over meetings of the
19 Commission and be responsible for establishing the agenda
20 of Commission meetings and hearings.

21 (d) TERMS.—Members shall be appointed for the life
22 of the Commission. A vacancy in the Commission shall not
23 affect its powers, and shall be filled in the same manner
24 as the original appointment was made.

1 (e) STATUS AS FEDERAL EMPLOYEES.—Notwith-
2 standing the requirements of section 2105 of title 5,
3 United States Code, including the required supervision
4 under subsection (a)(3) of such section, the members of
5 the Commission shall be deemed to be Federal employees.

6 (f) PAY FOR MEMBERS OF THE COMMISSION.—

7 (1) IN GENERAL.—Each member, other than
8 the Chair, of the Commission shall be paid at a rate
9 equal to the daily equivalent of the annual rate of
10 basic pay payable for level IV of the Executive
11 Schedule under section 5315 of title 5, United
12 States Code, for each day (including travel time)
13 during which the member is engaged in the actual
14 performance of duties vested in the Commission.

15 (2) CHAIR.—The Chair of the Commission shall
16 be paid at a rate equal to the daily equivalent of the
17 annual rate of basic pay payable for level III of the
18 Executive Schedule under section 5314, of title 5,
19 United States Code, for each day (including travel
20 time) during which the member is engaged in the ac-
21 tual performance of duties vested in the Commis-
22 sion.

23 **SEC. 673. COMMISSION HEARINGS AND MEETINGS.**

24 (a) IN GENERAL.—The Commission shall conduct
25 hearings on the recommendations it is taking under con-

1 sideration. Any such hearing, except a hearing in which
2 classified information is to be considered, shall be open
3 to the public. Any hearing open to the public shall be an-
4 nounced on a Federal website at least 14 days in advance.
5 For all hearings open to the public, the Commission shall
6 release an agenda and a listing of materials relevant to
7 the topics to be discussed.

8 (b) MEETINGS.—

9 (1) INITIAL MEETING.—The Commission shall
10 hold its initial meeting not later than 30 days after
11 the date as of which all members have been ap-
12 pointed.

13 (2) SUBSEQUENT MEETINGS.—After its initial
14 meeting, the Commission shall meet upon the call of
15 the Chair or a majority of its members.

16 (3) PUBLIC MEETINGS.—Each meeting of the
17 Commission shall be held in public unless any mem-
18 ber objects.

19 (c) QUORUM.—Five members of the Commission
20 shall constitute a quorum, but a lesser number may hold
21 hearings.

22 (d) PUBLIC COMMENTS.—

23 (1) SOLICITATION.—The Commission shall seek
24 written comments from the general public and inter-
25 ested parties on measures to modernize the military

1 compensation and retirement systems. Comments
2 shall be requested through a solicitation in the Fed-
3 eral Register and announcement on the Internet
4 website of the Commission.

5 (2) PERIOD FOR SUBMITTAL.—The period for
6 the submittal of comments pursuant to the solicita-
7 tion under paragraph (1) shall end not earlier than
8 30 days after the date of the solicitation and shall
9 end on or before the date on which the Secretary
10 transmits the recommendations of the Secretary to
11 the Commission under section 674(b).

12 (3) USE BY COMMISSION.—The Commission
13 shall consider the comments submitted under this
14 subsection when developing its recommendations.

15 (e) SPACE FOR USE OF COMMISSION.—Not later
16 than 90 days after the date of the enactment of this Act,
17 the Administrator of General Services, in consultation
18 with the Secretary, shall identify and make available suit-
19 able excess space within the Federal space inventory to
20 house the operations of the Commission. If the Adminis-
21 trator is not able to make such suitable excess space avail-
22 able within such 90-day period, the Commission may lease
23 space to the extent the funds are available.

1 (f) CONTRACTING AUTHORITY.—The Commission
2 may acquire administrative supplies and equipment for
3 Commission use to the extent funds are available.

4 **SEC. 674. PRINCIPLES AND PROCEDURE FOR COMMISSION**
5 **RECOMMENDATIONS.**

6 (a) CONTEXT OF COMMISSION REVIEW.—The Com-
7 mission shall conduct a review of the matters described
8 in section 671, including current military compensation
9 and retirement systems, force management objectives, and
10 changes in life expectancy and the labor force.

11 (b) DEVELOPMENT OF COMMISSION RECOMMENDA-
12 TIONS.—

13 (1) CONSISTENCY WITH PRESIDENTIAL PRIN-
14 CIPLES.—Subject to paragraph (2), the Commission
15 shall develop recommendations that are consistent
16 with the principles established by the President
17 under subsection (c) and section 671.

18 (2) GRANDFATHERING OF RETIRED PAY.—

19 (A) CONDITIONS.—In developing its rec-
20 ommendations, the Commission shall comply
21 with the following conditions with regard to the
22 treatment of retired pay for members and re-
23 tired members of the uniformed services who
24 joined a uniformed service before the date of

1 the enactment of an Act to modernize the mili-
2 tary compensation and retirement systems:

3 (i) For members of the uniformed
4 services as of such date, who became mem-
5 bers before the enactment of such an Act,
6 the monthly amount of their retired pay
7 may not be less than they would have re-
8 ceived under the current military com-
9 pensation and retirement system, nor may
10 the date at which they are eligible to re-
11 ceive their military retired pay be adjusted
12 to the financial detriment of the member.

13 (ii) For members of the uniformed
14 services retired as of such date, the eligi-
15 bility for and receipt of their retired pay
16 may not be adjusted pursuant to any
17 change made by the enactment of such an
18 Act.

19 (B) VOLUNTARY ELECTION EXCEPTION.—
20 Nothing in subparagraph (A) prevents a mem-
21 ber described in such subparagraph from volun-
22 tarily electing to be covered under the provi-
23 sions of an Act to modernize the military com-
24 pensation and retirement systems.

1 (c) PRESIDENTIAL PRINCIPLES.—Not later than five
2 months after the Commission establishment date, the
3 President shall establish and transmit to the Commission
4 and Congress principles for modernizing the military com-
5 pensation and retirement systems. The principles estab-
6 lished by the President shall address the following:

7 (1) Maintaining recruitment and retention of
8 the best military personnel.

9 (2) Modernizing the regular and reserve mili-
10 tary compensation and retirement systems.

11 (3) Differentiating between regular and reserve
12 military service.

13 (4) Differentiating between service in the
14 Armed Forces and service in the other uniformed
15 services.

16 (5) Assisting with force management.

17 (6) Ensuring the fiscal sustainability of the
18 military compensation and retirement systems.

19 (7) Compliance with the purpose and scope of
20 the review prescribed in section 671.

21 (d) SECRETARY OF DEFENSE RECOMMENDATIONS.—

22 (1) DEADLINE.—Not later than nine months
23 after the Commission establishment date, the Sec-
24 retary shall transmit to the Commission the rec-
25 ommendations of the Secretary for modernization of

1 the military compensation and retirement systems.
2 The Secretary shall concurrently transmit the rec-
3 ommendations to Congress.

4 (2) DEVELOPMENT OF RECOMMENDATIONS.—
5 The Secretary shall develop the recommendations of
6 the Secretary under paragraph (1)—

7 (A) on the basis of the principles estab-
8 lished by the President pursuant to subsection
9 (c);

10 (B) in consultation with the Secretary of
11 Homeland Security, with respect to rec-
12 ommendations concerning members of the
13 Coast Guard;

14 (C) in consultation with the Secretary of
15 Health and Human Services, with respect to
16 recommendations concerning members of the
17 Public Health Service;

18 (D) in consultation with the Secretary of
19 Commerce, with respect to recommendations
20 concerning members of the National Oceanic
21 and Atmospheric Administration; and

22 (E) in consultation with the Director of
23 the Office of Management and Budget.

24 (3) JUSTIFICATION.—The Secretary shall in-
25 clude with the recommendations under paragraph

1 (1) the justification of the Secretary for each rec-
2 ommendation.

3 (4) AVAILABILITY OF INFORMATION.—The Sec-
4 retary shall make available to the Commission and
5 to Congress the information used by the Secretary
6 to prepare the recommendations of the Secretary
7 under paragraph (1).

8 (e) COMMISSION HEARINGS ON RECOMMENDATIONS
9 OF SECRETARY.—After receiving from the Secretary the
10 recommendations of the Secretary for modernization of
11 the military compensation and retirement systems under
12 subsection (d), the Commission shall conduct public hear-
13 ings on the recommendations.

14 (f) COMMISSION REPORT AND RECOMMENDA-
15 TIONS.—

16 (1) REPORT.—Not later than 15 months after
17 the Commission establishment date, the Commission
18 shall transmit to the President a report containing
19 the findings and conclusions of the Commission, to-
20 gether with the recommendations of the Commission
21 for the modernization of the military compensation
22 and retirement systems. The Commission shall in-
23 clude in the report legislative language to implement
24 the recommendations of the Commission. The find-
25 ings and conclusions in the report shall be based on

1 the review and analysis by the Commission of the
2 recommendations made by the Secretary under sub-
3 section (d).

4 (2) REQUIREMENT FOR APPROVAL.—The rec-
5 ommendations of the Commission must be approved
6 by at least five members of the Commission before
7 the recommendations may be transmitted to the
8 President under paragraph (1).

9 (3) PROCEDURES FOR CHANGING REC-
10 OMMENDATIONS OF SECRETARY.—The Commission
11 may make a change described in paragraph (4) in
12 the recommendations made by the Secretary only if
13 the Commission—

14 (A) determines that the change is con-
15 sistent with the principles established by the
16 President under subsection (c);

17 (B) publishes a notice of the proposed
18 change not less than 45 days before transmit-
19 ting its recommendations to the President pur-
20 suant to paragraph (1); and

21 (C) conducts a public hearing on the pro-
22 posed change.

23 (4) COVERED CHANGES.—Paragraph (3) ap-
24 plies to a change by the Commission in the rec-
25 ommendations of the Secretary that would—

- 1 (A) add a new recommendation;
2 (B) delete a recommendation; or
3 (C) substantially change a recommenda-
4 tion.

5 (5) EXPLANATION AND JUSTIFICATION FOR
6 CHANGES.—The Commission shall explain and jus-
7 tify in its report submitted to the President under
8 paragraph (1) any recommendation made by the
9 Commission that is different from the recommenda-
10 tions made by the Secretary under subsection (d).

11 (6) TRANSMITTAL TO CONGRESS.—The Com-
12 mission shall transmit a copy of its report to Con-
13 gress on the same date on which it transmits its re-
14 port to the President under paragraph (1).

15 **SEC. 675. CONSIDERATION OF COMMISSION RECOMMENDA-**
16 **TIONS BY THE PRESIDENT.**

17 (a) REPORT OF PRESIDENTIAL APPROVAL OR DIS-
18 APPROVAL.—Not later than 60 days after the date on
19 which the Commission transmits its report to the Presi-
20 dent under section 674, the President shall transmit to
21 the Commission and to Congress a report containing the
22 approval or disapproval by the President of the rec-
23 ommendations of the Commission in the report.

24 (b) PRESIDENTIAL APPROVAL.—If in the report
25 under subsection (a) the President approves all the rec-

1 ommendations of the Commission, the President shall in-
2 clude with the report the following:

3 (1) A copy of the recommendations of the Com-
4 mission.

5 (2) The certification by the President of the ap-
6 proval of the President of each recommendation.

7 (3) The legislative language transmitted by the
8 Commission to the President as part of the report
9 of the Commission.

10 (c) PRESIDENTIAL DISAPPROVAL.—

11 (1) REASONS FOR DISAPPROVAL.—If in the re-
12 port under subsection (a) the President disapproves
13 the recommendations of the Commission, in whole or
14 in part, the President shall include in the report the
15 reasons for that disapproval.

16 (2) REVISED RECOMMENDATIONS FROM COM-
17 MISSION.—Not later than one month after the date
18 of the report of the President under subsection (a)
19 disapproving the recommendations of the Commis-
20 sion, the Commission shall transmit to the President
21 revised recommendations for the modernization of
22 the military compensation and retirement systems,
23 together with revised legislative language to imple-
24 ment the revised recommendations of the Commis-
25 sion.

1 (3) ACTION ON REVISED RECOMMENDATIONS.—

2 If the President approves all of the revised rec-
3 ommendations of the Commission transmitted pur-
4 suant to paragraph (2), the President shall transmit
5 to Congress, not later than one month after receiv-
6 ing the revised recommendations, the following:

7 (A) A copy of the revised recommenda-
8 tions.

9 (B) The certification by the President of
10 the approval of the President of each rec-
11 ommendation as so revised.

12 (C) The revised legislative language trans-
13 mitted to the President.

14 (d) TERMINATION OF COMMISSION.—If the President
15 does not transmit to Congress an approval and certifi-
16 cation described in subsection (b) or (c)(3) in accordance
17 with the applicable deadline under such subsection, the
18 Commission shall be terminated not later than one month
19 after the expiration of the period for transmittal of a re-
20 port under subsection (c)(3).

21 **SEC. 676. EXECUTIVE DIRECTOR.**

22 (a) APPOINTMENT.—The Commission shall appoint
23 and fix the rate of basic pay for an Executive Director
24 in accordance with section 3161 of title 5, United States
25 Code.

1 (b) LIMITATIONS.—The Executive Director may not
2 have served on active duty in the Armed Forces or as a
3 civilian employee of the Department of Defense during the
4 one-year period preceding the date of such appointment
5 and may not have been employed by a veterans service
6 organization or a military-related advocacy group or asso-
7 ciation during that one-year period.

8 **SEC. 677. STAFF.**

9 (a) IN GENERAL.—Subject to subsections (b) and (c),
10 the Executive Director, with the approval of the Commis-
11 sion, may appoint and fix the rate of basic pay for addi-
12 tional personnel as staff of the Commission in accordance
13 with section 3161 of title 5, United States Code.

14 (b) LIMITATIONS ON STAFF.—

15 (1) NUMBER OF DETAILEES FROM EXECUTIVE
16 DEPARTMENT.—Not more than one-third of the per-
17 sonnel employed by or detailed to the Commission
18 may be on detail from the Department of Defense
19 and other executive branch departments.

20 (2) PRIOR DUTIES WITHIN EXECUTIVE
21 BRANCH.—A person may not be detailed from the
22 Department of Defense or other executive branch
23 department to the Commission if, in the year before
24 the detail is to begin, that person participated per-
25 sonally and substantially in any matter concerning

1 the preparation of recommendations for military
2 compensation and retirement modernization.

3 (3) NUMBER OF DETAILEES ELIGIBLE FOR
4 MILITARY RETIRED PAY.—Not more than one-fourth
5 of the personnel employed by or detailed to the Com-
6 mission may be persons eligible for or receiving mili-
7 tary retired pay.

8 (4) PRIOR EMPLOYMENT WITH CERTAIN ORGA-
9 NIZATIONS.—A person may not be employed by or
10 detailed to the Commission if, in the year before the
11 employment or detail is to begin, that person was
12 employed by a veterans service organization or a
13 military-related advocacy group or association.

14 (c) LIMITATIONS ON PERFORMANCE REVIEWS.—No
15 member of the uniformed services, and no officer or em-
16 ployee of the Department of Defense or other executive
17 branch department, may—

18 (1) prepare any report concerning the effective-
19 ness, fitness, or efficiency of the performance of the
20 staff of the Commission or any person detailed to
21 that staff;

22 (2) review the preparation of such a report; or

23 (3) approve or disapprove such a report.

24 **SEC. 678. JUDICIAL REVIEW PRECLUDED.**

25 The following shall not be subject to judicial review:

1 (1) Actions of the President, the Secretary, and
2 the Commission under section 674.

3 (2) Actions of the President under section 675.

4 **SEC. 679. TERMINATION.**

5 Except as otherwise provided in this title, the Com-
6 mission shall terminate not later than 26 months after the
7 Commission establishment date.

8 **SEC. 680. FUNDING.**

9 Of the amounts authorized to be appropriated by this
10 Act for the Department of Defense for fiscal year 2013,
11 up to \$10,000,000 shall be made available to the Commis-
12 sion to carry out its duties under this subtitle. Funds
13 made available to the Commission under the preceding
14 sentence shall remain available until expended.

15 **Subtitle I—Other Matters**

16 **SEC. 681. EQUAL TREATMENT FOR MEMBERS OF COAST**
17 **GUARD RESERVE CALLED TO ACTIVE DUTY**
18 **UNDER TITLE 14, UNITED STATES CODE.**

19 (a) INCLUSION IN DEFINITION OF CONTINGENCY OP-
20 ERATION.—Section 101(a)(13)(B) of title 10, United
21 States Code, is amended by inserting “section 712 of title
22 14,” after “chapter 15 of this title,”.

23 (b) CREDIT OF SERVICE TOWARDS REDUCTION OF
24 ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR
25 NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title

1 10, United States Code, is amended by adding at the end
2 the following new clause:

3 “(iv) Service on active duty described in this subpara-
4 graph is also service on active duty pursuant to a call or
5 order to active duty authorized by the Secretary of Home-
6 land Security under section 712 of title 14 for purposes
7 of emergency augmentation of the Regular Coast Guard
8 forces.”.

9 (c) POST 9/11 EDUCATIONAL ASSISTANCE.—Section
10 3301(1)(B) of title 38, United States Code, is amended
11 by inserting “or section 712 of title 14” after “title 10”.

12 (d) RETROACTIVE APPLICATION OF AMENDMENTS.—

13 (1) INCLUSION OF PRIOR ORDERS.—The
14 amendments made by this section shall apply to any
15 call or order to active duty authorized under section
16 712 of title 14, United States Code, on or after De-
17 cember 31, 2011, by the Secretary of the executive
18 department in which the Coast Guard is operating.

19 (2) CREDIT FOR PRIOR SERVICE.—The amend-
20 ments made by this section shall be deemed to have
21 been enacted on December 31, 2011, for purposes of
22 applying the amendments to the following provisions
23 of law:

24 (A) Section 5538 of title 5, United States
25 Code, relating to nonreduction in pay.

1 (B) Section 701 of title 10, United States
2 Code, relating to the accumulation and reten-
3 tion of leave.

4 (C) Section 12731 of title 10, United
5 States Code, relating to age and service require-
6 ments for receipt of retired pay for non-regular
7 service.

8 **SEC. 682. REPORT REGARDING DEPARTMENT OF VET-**
9 **ERANS AFFAIRS CLAIMS PROCESS TRANS-**
10 **FORMATION PLAN.**

11 (a) REPORT REQUIRED.—Not later than 60 days
12 after the date of the enactment of this Act, the Secretary
13 of Veterans Affairs shall submit to the Committees on
14 Armed Forces and the Committees on Veterans' Affairs
15 of the Senate and House of Representatives a report on
16 the plan of the Secretary of Veterans Affairs to reduce
17 the backlog of claims for benefits under laws administered
18 by the Secretary that are pending as of the date of the
19 enactment of this Act and to more efficiently and fairly
20 process claims for such benefits in the future.

21 (b) CONTENTS OF REPORT.— The report required in
22 under subsection (a) shall include each of the following:

23 (1) A detailed explanation of the Veterans Ben-
24 efits Administration Claims Transformation Plan,
25 including—

1 (A) a timeline and steps to completion with
2 anticipated completion dates;

3 (B) all benchmarks and indicia of success
4 that the Secretary will use to measure the suc-
5 cess or failure of each step in the Trans-
6 formation Plan; and

7 (C) the estimated costs, by fiscal year for
8 each of the five fiscal years following the fiscal
9 year during which the report is submitted, asso-
10 ciated with the Transformation Plan, including
11 training and personnel costs, as well as the in-
12 crease or decrease in the number of personnel
13 expected as part of the Transformation Plan.

14 (2) A detailed explanation of the claims process
15 that is expected to result after the completion of the
16 Transformation Plan, from initial filing of claim to
17 the award or denial of benefits, including any appel-
18 late steps in the process.

19 (3) A detailed explanation of the roles and pur-
20 poses of the Program Management Office, the Vet-
21 erans Benefits Administration Transformation Gov-
22 ernance Board, Transformation Joint Executive
23 Board, and Design Teams, including a list of per-
24 sonnel for each entity as well as current and pro-

1 jected costs over the subsequent five fiscal years to
2 operate and staff each entity.

3 (4) A detailed explanation of all steps taken
4 thus far to involve non-Federal entities in the claims
5 process, including the Texas Veterans Commission
6 and other State or local agencies relating to vet-
7 erans' affairs, veterans service organizations, and
8 other not-for-profit entities.

9 (5) A plan for the Secretary to partner with
10 non-Federal entities to support efforts to reduce the
11 backlog of claims for benefits under laws adminis-
12 tered by the Secretary and to more efficiently and
13 fairly process such claims in the future, including
14 State and local agencies relating to veterans affairs,
15 veterans service organizations, and such other rel-
16 evant Government and non-Government entities as
17 the Secretary considers appropriate. Such plan shall
18 include—

19 (A) a description of how the Secretary in-
20 tends to leverage such partnerships with non-
21 Federal entities to eliminate the backlog by—

22 (i) increasing the percentage of new
23 claims that are fully developed prior to
24 submittal to the Secretary and expediting
25 the processing of such claims; and

1 (ii) helping claimants gather and sub-
2 mit necessary evidence for claims that were
3 previously filed but require further develop-
4 ment; and

5 (B) a description of how such partnerships
6 with non-Federal entities will fit into the Trans-
7 formation Plan.

8 **TITLE VII—HEALTH CARE**
9 **PROVISIONS**

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated.
- Sec. 702. Inclusion of certain over-the-counter drugs in TRICARE uniform formulary.
- Sec. 703. Modification of requirements on mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
- Sec. 704. Use of Department of Defense funds for abortions in cases of rape and incest.
- Sec. 705. Pilot program on certain treatments of autism under the TRICARE program.
- Sec. 706. Pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.
- Sec. 707. Sense of Congress on health care for retired members of the uniformed services.

Subtitle B—Health Care Administration

- Sec. 711. Authority for automatic enrollment in TRICARE Prime of dependents of members in pay grades above pay grade E-4.
- Sec. 712. Cost-sharing rates for the Pharmacy Benefits Program of the TRICARE program.
- Sec. 713. Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense.
- Sec. 714. Expansion of evaluation of the effectiveness of the TRICARE program.
- Sec. 715. Requirement to ensure the effectiveness and efficiency of health engagements.
- Sec. 716. Pilot program for refills of maintenance medications for TRICARE for Life beneficiaries through the TRICARE mail-order pharmacy program.

Subtitle C—Mental Health Care and Veterans Matters

- Sec. 723. Sharing between Department of Defense and Department of Veterans Affairs of records and information retained under the medical tracking system for members of the Armed Forces deployed overseas.
- Sec. 724. Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs.
- Sec. 725. Research and medical practice on mental health conditions.
- Sec. 726. Transparency in mental health care services provided by the Department of Veterans Affairs.
- Sec. 727. Expansion of Vet Center Program to include furnishing counseling to certain members of the Armed Forces and their family members.
- Sec. 728. Organization of the Readjustment Counseling Service in the Department of Veterans Affairs.
- Sec. 729. Recruitment of mental health providers for furnishing mental health services on behalf of the Department of Veterans Affairs without compensation from the Department.
- Sec. 730. Peer support.

Subtitle D—Reports and Other Matters

- Sec. 731. Plan for reform of the administration of the military health system.
- Sec. 732. Future availability of TRICARE Prime throughout the United States.
- Sec. 733. Extension of Comptroller General report on contract health care staffing for military medical treatment facilities.
- Sec. 734. Extension of Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.
- Sec. 735. Study on health care and related support for children of members of the Armed Forces.
- Sec. 736. Report on strategy to transition to use of human-based methods for certain medical training.
- Sec. 737. Study on incidence of breast cancer among members of the Armed Forces serving on active duty.
- Sec. 738. Performance metrics and reports on Warriors in Transition programs of the military departments.
- Sec. 739. Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury.

1 **Subtitle A—TRICARE and Other**
2 **Health Care Benefits**

3 **SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE**
4 **AND TRICARE DENTAL PROGRAM FOR MEM-**
5 **BERS OF THE SELECTED RESERVE WHO ARE**
6 **INVOLUNTARILY SEPARATED.**

7 (a) TRICARE STANDARD COVERAGE.—Section
8 1076d(b) of title 10, United States Code, is amended—

9 (1) by striking “Eligibility” and inserting “(1)
10 Except as provided in paragraph (2), eligibility”;
11 and

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

14 “(2) During the period beginning on the date of the
15 enactment of this paragraph and ending December 31,
16 2018, eligibility for a member under this section who is
17 involuntarily separated from the Selected Reserve under
18 other than adverse conditions, as characterized by the Sec-
19 retary concerned, shall terminate 180 days after the date
20 on which the member is separated.”.

21 (b) TRICARE DENTAL COVERAGE.—Section
22 1076a(a)(1) of such title is amended by adding at the end
23 the following new sentence: “During the period beginning
24 on the date of the enactment of this sentence and ending
25 December 31, 2018, such plan shall provide that coverage

1 for a member of the Selected Reserve who is involuntarily
2 separated from the Selected Reserve under other than ad-
3 verse conditions, as characterized by the Secretary con-
4 cerned, shall not terminate earlier than 180 days after the
5 date on which the member is separated.”.

6 **SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
7 **DRUGS IN TRICARE UNIFORM FORMULARY.**

8 (a) INCLUSION.—Subsection (a)(2) of section 1074g
9 of title 10, United States Code, is amended—

10 (1) in subparagraph (D), by striking “No phar-
11 maceutical agent may be excluded” and inserting
12 “Except as provided in subparagraph (F), no phar-
13 maceutical agent may be excluded”; and

14 (2) by adding at the end the following new sub-
15 paragraph:

16 “(F)(i) The Secretary may implement procedures to
17 place selected over-the-counter drugs on the uniform for-
18 mulary and to make such drugs available to eligible cov-
19 ered beneficiaries. An over-the-counter drug may be in-
20 cluded on the uniform formulary only if the Pharmacy and
21 Therapeutics Committee established under subsection (b)
22 finds that the over-the-counter drug is cost effective and
23 clinically effective. If the Pharmacy and Therapeutics
24 Committee recommends an over-the-counter drug for in-
25 clusion on the uniform formulary, the drug shall be consid-

1 ered to be in the same therapeutic class of pharmaceutical
2 agents, as determined by the Committee, as similar pre-
3 scription drugs.

4 “(ii) Regulations prescribed by the Secretary to carry
5 out clause (i) shall include the following with respect to
6 over-the-counter drugs included on the uniform formulary:

7 “(I) A determination of the means and condi-
8 tions under paragraphs (5) and (6) through which
9 over-the-counter drugs will be available to eligible
10 covered beneficiaries and the amount of cost sharing
11 that such beneficiaries will be required to pay for
12 over-the-counter drugs, if any, except that no such
13 cost sharing may be required for a member of a uni-
14 formed service on active duty.

15 “(II) Any terms and conditions for the dis-
16 pensing of over-the-counter drugs to eligible covered
17 beneficiaries.”.

18 (b) DEFINITIONS.—Subsection (g) of such section is
19 amended by adding at the end the following new para-
20 graphs:

21 “(3) The term ‘over-the-counter drug’ means a
22 drug that is not subject to section 503(b) of the
23 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 353(b)).

1 “(4) The term ‘prescription drug’ means a drug
2 that is subject to section 503(b) of the Federal
3 Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”.

4 (c) TECHNICAL AMENDMENTS.—

5 (1) CROSS-REFERENCE AMENDMENT.—Sub-
6 section (b)(1) of such section is amended by striking
7 “subsection (g)” and inserting “subsection (h)”.

8 (2) REPEAL OF OBSOLETE PROVISIONS.—

9 (A) Subsection (a)(2)(D) of such section is
10 amended by striking the last sentence.

11 (B) Subsection (b)(2) of such section is
12 amended by striking “Not later than” and all
13 the follows through “such 90-day period, the
14 committee” and inserting “The committee”.

15 (C) Subsection (d)(2) of such section is
16 amended—

17 (i) by striking “Effective not later
18 than April 5, 2000, the Secretary” and in-
19 serting “The Secretary”; and

20 (ii) by striking “the current managed
21 care support contracts” and inserting “the
22 managed care support contracts current as
23 of October 5, 1999,”.

1 **SEC. 703. MODIFICATION OF REQUIREMENTS ON MENTAL**
2 **HEALTH ASSESSMENTS FOR MEMBERS OF**
3 **THE ARMED FORCES DEPLOYED IN CONNEC-**
4 **TION WITH A CONTINGENCY OPERATION.**

5 Section 1074m(a)(1)(C)(i) of title 10, United States
6 Code, is amended by striking “one year” and inserting
7 “18 months”.

8 **SEC. 704. USE OF DEPARTMENT OF DEFENSE FUNDS FOR**
9 **ABORTIONS IN CASES OF RAPE AND INCEST.**

10 Section 1093(a) of title 10, United States Code, is
11 amended by inserting before the period at the end the fol-
12 lowing: “or in a case in which the pregnancy is the result
13 of an act of rape or incest”.

14 **SEC. 705. PILOT PROGRAM ON CERTAIN TREATMENTS OF**
15 **AUTISM UNDER THE TRICARE PROGRAM.**

16 (a) PILOT PROGRAM.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall conduct a pilot program to provide for the
19 treatment of autism spectrum disorders, including
20 applied behavior analysis.

21 (2) COMMENCEMENT.—The Secretary shall
22 commence the pilot program under paragraph (1) by
23 not later than 90 days after the date of the enact-
24 ment of this Act.

1 (b) DURATION.—The Secretary may not carry out
2 the pilot program under subsection (a)(1) for longer than
3 a one-year period.

4 (c) REPORT.—Not later than 270 days after the date
5 on which the pilot program under subsection (a)(1) com-
6 mences, the Secretary shall submit to the Committees on
7 Armed Services of the Senate and the House of Represent-
8 atives a report on the pilot program. The report shall in-
9 clude the following:

10 (1) An assessment of the feasibility and advis-
11 ability of establishing a beneficiary cost share for the
12 treatment of autism spectrum disorders.

13 (2) A comparison of providing such treatment
14 under—

15 (A) the ECHO Program; and

16 (B) the TRICARE program other than
17 under the ECHO Program.

18 (3) Any recommendations for changes in legis-
19 lation.

20 (4) Any additional information the Secretary
21 considers appropriate.

22 (d) DEFINITIONS.—In this section:

23 (1) The term “ECHO Program” means the Ex-
24 tended Care Health Option under subsections (d)

1 through (f) of section 1079 of title 10, United States
2 Code.

3 (2) The term “TRICARE program” has the
4 meaning given that term in section 1072(7) of title
5 10, United States Code.

6 **SEC. 706. PILOT PROGRAM ON ENHANCEMENTS OF DE-**

7 **PARTMENT OF DEFENSE EFFORTS ON MEN-**

8 **TAL HEALTH IN THE NATIONAL GUARD AND**

9 **RESERVES THROUGH COMMUNITY PARTNER-**

10 **SHIPS.**

11 (a) PROGRAM AUTHORITY.—The Secretary of De-
12 fense may carry out a pilot program to enhance the efforts
13 of the Department of Defense in research, treatment, edu-
14 cation, and outreach on mental health and substance use
15 disorders and traumatic brain injury in members of the
16 National Guard and Reserves, their family members, and
17 their caregivers through community partners.

18 (b) AGREEMENTS WITH COMMUNITY PARTNERS.—
19 In carrying out the pilot program authorized by subsection
20 (a), the Secretary may enter into partnership agreements
21 with community partners described in subsection (c) using
22 a competitive and merit-based award process.

23 (c) COMMUNITY PARTNER DESCRIBED.—A commu-
24 nity partner described in this subsection is a private non-
25 profit organization or institution that meets such quali-

1 fications as the Secretary shall establish for purposes of
2 the pilot program and engages in one or more of the fol-
3 lowing:

4 (1) Research on the causes, development, and
5 innovative treatment of mental health and substance
6 use disorders and traumatic brain injury in members
7 of the National Guard and Reserves, their family
8 members, and their caregivers.

9 (2) Identifying and disseminating evidence-
10 based treatments of mental health and substance use
11 disorders and traumatic brain injury described in
12 paragraph (1).

13 (3) Outreach and education to such members,
14 their families and caregivers, and the public about
15 mental health and substance use disorders and trau-
16 matic brain injury described in paragraph (1).

17 (d) DURATION.—The duration of the pilot program
18 may not exceed three years.

19 (e) REPORT.—Not later than 180 days before the
20 completion of the pilot program, the Secretary of Defense
21 shall submit to the Secretary of Veterans Affairs and the
22 congressional defense committees a report on the results
23 of the pilot program, including the number of members
24 of the National Guard and Reserves provided treatment
25 or services by community partners, and a description and

1 assessment of the effectiveness and achievements of the
2 pilot program with respect to research, treatment, edu-
3 cation, and outreach on mental health and substance use
4 disorders and traumatic brain injury.

5 **SEC. 707. SENSE OF CONGRESS ON HEALTH CARE FOR RE-**
6 **TIRED MEMBERS OF THE UNIFORMED SERV-**
7 **ICES.**

8 It is the sense of Congress that—

9 (1) members of the uniformed services and
10 their families endure unique and extraordinary de-
11 mands and make extraordinary sacrifices over the
12 course of 20 to 30 years of service in protecting
13 freedom for all Americans, as do those who have
14 been medically retired due to the hardships of mili-
15 tary service; and

16 (2) access to quality health care services is an
17 earned benefit during retirement in acknowledgment
18 of their contributions of service and sacrifice.

1 **Subtitle B—Health Care**
2 **Administration**

3 **SEC. 711. AUTHORITY FOR AUTOMATIC ENROLLMENT IN**
4 **TRICARE PRIME OF DEPENDENTS OF MEM-**
5 **BERS IN PAY GRADES ABOVE PAY GRADE E-**
6 **4.**

7 Subsection (a) of section 1097a of title 10, United
8 States Code, is amended to read as follows:

9 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-
10 PENDENTS.—(1) In the case of a dependent of a member
11 of the uniformed services who is entitled to medical and
12 dental care under section 1076(a)(2)(A) of this title and
13 resides in a catchment area in which TRICARE Prime
14 is offered, the Secretary—

15 “(A) shall automatically enroll the dependent in
16 TRICARE Prime if the member is in pay grade E-
17 4 or below; and

18 “(B) may automatically enroll the dependent in
19 TRICARE Prime if the member is in pay grade E-
20 5 or higher.

21 “(2) Whenever a dependent of a member is enrolled
22 in TRICARE Prime under paragraph (1), the Secretary
23 concerned shall provide written notice of the enrollment
24 to the member.

1 “(3) The enrollment of a dependent of the member
2 may be terminated by the member or the dependent at
3 any time.”.

4 **SEC. 712. COST-SHARING RATES FOR THE PHARMACY BEN-**
5 **EFITS PROGRAM OF THE TRICARE PROGRAM.**

6 (a) IN GENERAL.—Section 1074g(a)(6) of title 10,
7 United States Code, is amended—

8 (1) by striking subparagraph (A) and inserting
9 the following new subparagraph (A):

10 “(A) The Secretary, in the regulations prescribed
11 under subsection (h), shall establish cost-sharing require-
12 ments under the pharmacy benefits program. In accord-
13 ance with subparagraph (C), such cost-sharing require-
14 ments shall consist of the following:

15 “(i) With respect to each supply of a prescrip-
16 tion covering not more than 30 days that is obtained
17 by a covered beneficiary under the TRICARE retail
18 pharmacy program—

19 “(I) in the case of generic agents, \$5;

20 “(II) in the case of formulary agents, \$17;

21 and

22 “(III) in the case of nonformulary agents,
23 \$44.

24 “(ii) With respect to each supply of a prescrip-
25 tion covering not more than 90 days that is obtained

1 by a covered beneficiary under the national mail-
2 order pharmacy program—

3 “(I) in the case of generic agents, \$0;

4 “(II) in the case of formulary agents, \$13;

5 and

6 “(III) in the case of nonformulary agents,

7 \$43.”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(C)(i) Beginning October 1, 2013, the amount of
11 any increase in a cost-sharing amount specified in sub-
12 paragraph (A) in a year may not exceed the amount equal
13 to the percentage of such cost-sharing amount at the time
14 of such increase equal to the percentage by which retired
15 pay is increased under section 1401a of this title in that
16 year.

17 “(ii) If the amount of the increase otherwise provided
18 for a year by clause (i) is less than \$1, the increase shall
19 not be made for such year, but shall be carried over to,
20 and accumulated with, the amount of the increase for the
21 subsequent year or years and made when the aggregate
22 amount of increases carried over under this clause for a
23 year is \$1 or more.

24 “(iii) The provisions of this subparagraph shall not
25 apply to any increase in cost-sharing amounts described

1 in clause (i) that is made by the Secretary of Defense on
2 or after October 1, 2022. The Secretary may increase co-
3 payments, as considered appropriate by the Secretary, be-
4 ginning on October 1, 2022.”.

5 (b) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The cost-sharing require-
7 ments under subparagraph (A) of section
8 1074g(a)(6) of title 10, United States Code, as
9 amended by subsection (a)(1), shall apply with re-
10 spect to prescriptions obtained under the TRICARE
11 pharmacy benefits program on or after such date as
12 the Secretary of Defense shall specify, but not later
13 than the date that is 45 days after the date of the
14 enactment of this Act.

15 (2) FEDERAL REGISTER.—The Secretary shall
16 publish notice of the effective date of the cost-shar-
17 ing requirements specified under paragraph (1) in
18 the Federal Register.

1 **SEC. 713. CLARIFICATION OF APPLICABILITY OF CERTAIN**
2 **AUTHORITY AND REQUIREMENTS TO SUB-**
3 **CONTRACTORS EMPLOYED TO PROVIDE**
4 **HEALTH CARE SERVICES TO THE DEPART-**
5 **MENT OF DEFENSE.**

6 (a) **APPLICABILITY OF FEDERAL TORT CLAIMS ACT**
7 **TO SUBCONTRACTORS.**—Section 1089(a) of title 10,
8 United States Code, is amended in the last sentence—

9 (1) by striking “if the physician, dentist, nurse,
10 pharmacist, or paramedical” and inserting “to such
11 a physician, dentist, nurse, pharmacist, or para-
12 medical”;

13 (2) by striking “involved is”; and

14 (3) by inserting before the period at the end the
15 following: “or a subcontract at any tier under such
16 a contract that is authorized in accordance with the
17 requirements of such section 1091”.

18 (b) **APPLICABILITY OF PERSONAL SERVICES CON-**
19 **TRACTING AUTHORITY TO SUBCONTRACTORS.**—Section
20 1091(c) of such title is amended by adding at the end the
21 following new paragraph:

22 “(3) The procedures established under paragraph (1)
23 may provide for a contracting officer to authorize a con-
24 tractor to enter into a subcontract for personal services
25 on behalf of the agency upon a determination that the sub-
26 contract is—

1 “(A) consistent with the requirements of this
2 section and the procedures established under para-
3 graph (1); and

4 “(B) in the best interests of the agency.”.

5 **SEC. 714. EXPANSION OF EVALUATION OF THE EFFECTIVE-**
6 **NESS OF THE TRICARE PROGRAM.**

7 Section 717(a)(1) of the National Defense Authoriza-
8 tion Act for Fiscal Year 1996 (Public Law 104–106; 110
9 Stat. 376; 10 U.S.C. 1073 note) is amended by striking
10 “military retirees” and inserting “members of the Armed
11 Forces (whether in the regular or reserve components) and
12 their dependents, military retirees and their dependents,
13 and dependents of members on active duty with severe dis-
14 abilities and chronic health care needs”.

15 **SEC. 715. REQUIREMENT TO ENSURE THE EFFECTIVENESS**
16 **AND EFFICIENCY OF HEALTH ENGAGEMENTS.**

17 (a) IN GENERAL.—The Secretary of Defense, in co-
18 ordination with the Under Secretary of Defense for Policy
19 and the Assistant Secretary of Defense for Health Affairs,
20 shall develop a process to ensure that health engagements
21 conducted by the Department of Defense are effective and
22 efficient in meeting the national security goals of the
23 United States.

1 (b) PROCESS GOALS.—The Assistant Secretary of
2 Defense for Health Affairs shall ensure that each process
3 developed under subsection (a)—

4 (1) assesses the operational mission capabilities
5 of the health engagement;

6 (2) uses the collective expertise of the Federal
7 Government and non-governmental organizations to
8 ensure collaboration and partnering activities; and

9 (3) assesses the stability and resiliency of the
10 host nation of such engagement.

11 (c) ASSESSMENT TOOL.—The Assistant Secretary of
12 Defense for Health Affairs may establish a measure of ef-
13 fectiveness learning tool to assess the process developed
14 under subsection (a) to ensure the applicability of the
15 process to health engagements conducted by the Depart-
16 ment of Defense.

17 (d) HEALTH ENGAGEMENT DEFINED.—In this sec-
18 tion, the term “health engagement” means a health sta-
19 bility operation conducted by the Department of Defense
20 outside the United States in coordination with a foreign
21 government or international organization to establish, re-
22 constitute, or maintain the health sector of a foreign coun-
23 try.

1 **SEC. 716. PILOT PROGRAM FOR REFILLS OF MAINTENANCE**
2 **MEDICATIONS FOR TRICARE FOR LIFE BENE-**
3 **FICIARIES THROUGH THE TRICARE MAIL-**
4 **ORDER PHARMACY PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Defense shall
6 conduct a pilot program to refill prescription maintenance
7 medications for each TRICARE for Life beneficiary
8 through the national mail-order pharmacy program under
9 section 1074g(a)(2)(E)(iii) of title 10, United States
10 Code.

11 (b) MEDICATIONS COVERED.—

12 (1) DETERMINATION.—The Secretary shall de-
13 termine the prescription maintenance medications
14 included in the pilot program under subsection (a).

15 (2) SUPPLY.—In carrying out the pilot program
16 under subsection (a), the Secretary shall ensure that
17 the medications included in the program are gen-
18 erally available to a TRICARE for Life bene-
19 ficiary—

20 (A) for an initial filling of a 30-day or less
21 supply through—

22 (i) retail pharmacies under clause (ii)
23 of section 1074g(a)(2)(E) of title 10,
24 United States Code; and

25 (ii) facilities of the uniformed services
26 under clause (i) of such section; and

1 (B) for a refill of such medications
2 through—

3 (i) the national mail-order pharmacy
4 program; and

5 (ii) such facilities of the uniformed
6 services.

7 (3) EXEMPTION.— The Secretary may exempt
8 the following prescription maintenance medications
9 from the requirements in paragraph (2):

10 (A) Such medications that are for acute
11 care needs.

12 (B) Such other medications as the Sec-
13 retary determines appropriate.

14 (c) NONPARTICIPATION.—

15 (1) OPT OUT.—The Secretary shall give
16 TRICARE for Life beneficiaries who have been cov-
17 ered by the pilot program under subsection (a) for
18 a period of one year an opportunity to opt out of
19 continuing to participate in the program.

20 (2) WAIVER.—The Secretary may waive the re-
21 quirement of a TRICARE for Life beneficiary to
22 participate in the pilot program under subsection (a)
23 if the Secretary determines, on an individual basis,
24 that such waiver is appropriate.

1 (d) REGULATIONS.—The Secretary shall prescribe
2 regulations to carry out the pilot program under sub-
3 section (a), including regulations with respect to—

4 (1) the prescription maintenance medications
5 included in the pilot program pursuant to subsection
6 (b)(1); and

7 (2) addressing instances where a TRICARE for
8 Life beneficiary covered by the pilot program at-
9 tempts to refill such medications at a retail phar-
10 macy rather than through the national mail-order
11 pharmacy program or a facility of the uniformed
12 services.

13 (e) REPORTS.—Not later than March 31 of each year
14 beginning in 2014 and ending in 2018, the Secretary shall
15 submit to the congressional defense committees a report
16 on the pilot program under subsection (a), including the
17 effects of offering incentives for the use of mail order
18 pharmacies by TRICARE beneficiaries and the effect on
19 retail pharmacies.

20 (f) SUNSET.—The Secretary may not carry out the
21 pilot program under subsection (a) after December 31,
22 2017.

23 (g) TRICARE FOR LIFE BENEFICIARY DEFINED.—
24 In this section, the term “TRICARE for Life beneficiary”
25 means a TRICARE beneficiary enrolled in the Medicare

1 wraparound coverage option of the TRICARE program
2 made available to the beneficiary by reason of section
3 1086(d) of title 10, United States Code.

4 **Subtitle C—Mental Health Care**
5 **and Veterans Matters**

6 **SEC. 723. SHARING BETWEEN DEPARTMENT OF DEFENSE**
7 **AND DEPARTMENT OF VETERANS AFFAIRS**
8 **OF RECORDS AND INFORMATION RETAINED**
9 **UNDER THE MEDICAL TRACKING SYSTEM**
10 **FOR MEMBERS OF THE ARMED FORCES DE-**
11 **PLOYED OVERSEAS.**

12 (a) IN GENERAL.—The Secretary of Defense and the
13 Secretary of Veterans Affairs shall jointly enter into a
14 memorandum of understanding providing for the sharing
15 by the Department of Defense with the Department of
16 Veterans Affairs of the results of examinations and other
17 records on members of the Armed Forces that are retained
18 and maintained with respect to the medical tracking sys-
19 tem for members deployed overseas under section 1074f(c)
20 of title 10, United States Code.

21 (b) CESSATION UPON IMPLEMENTATION OF ELEC-
22 TRONIC HEALTH RECORD.—The sharing required pursu-
23 ant to subsection (a) shall cease on the date on which the
24 Secretary of Defense and the Secretary of Veterans Af-
25 fairs jointly certify to Congress that the Secretaries have

1 fully implemented an integrated electronic health record
2 for members of the Armed Forces that is fully interoper-
3 able between the Department of Defense and the Depart-
4 ment of Veterans Affairs.

5 **SEC. 724. PARTICIPATION OF MEMBERS OF THE ARMED**
6 **FORCES IN PEER SUPPORT COUNSELING**
7 **PROGRAMS OF THE DEPARTMENT OF VET-**
8 **ERANS AFFAIRS.**

9 (a) PARTICIPATION.—

10 (1) IN GENERAL.—The Secretary of Defense
11 and the Secretary of Veterans Affairs shall jointly
12 enter into a memorandum of understanding pro-
13 viding for members of the Armed Forces described
14 in subsection (b) to volunteer or be considered for
15 employment as peer counselors under the following:

16 (A) The peer support counseling program
17 carried out by the Secretary of Veterans Affairs
18 under subsection (j) of section 1720F of title
19 38, United States Code, as part of the com-
20 prehensive program for suicide prevention
21 among veterans under subsection (a) of such
22 section.

23 (B) The peer support counseling program
24 carried out by the Secretary of Veterans Affairs
25 under section 304(a)(1) of the Caregivers and

1 Veterans Omnibus Health Services Act of 2010
2 (Public Law 111–163; 124 Stat. 1150; 38
3 U.S.C. 1712A note).

4 (2) TRAINING.—Any member participating in a
5 peer support counseling program under paragraph
6 (1) shall receive the training for peer counselors
7 under section 1720F(j)(2) of title 38, United States
8 Code, or section 304(c) of the Caregivers and Vet-
9 erans Omnibus Health Services Act of 2010, as ap-
10 pplicable, before performing peer support counseling
11 duties under such program.

12 (b) COVERED MEMBERS.—Members of the Armed
13 Forces described in this subsection are the following:

14 (1) Members of the reserve components of the
15 Armed Forces who are demobilizing after deploy-
16 ment in a theater of combat operations, including, in
17 particular, members who participated in combat
18 against the enemy while so deployed.

19 (2) Members of the regular components of the
20 Armed Forces separating from active duty who have
21 been deployed in a theater of combat operations in
22 which such members participated in combat against
23 the enemy.

1 **SEC. 725. RESEARCH AND MEDICAL PRACTICE ON MENTAL**
2 **HEALTH CONDITIONS.**

3 (a) RESEARCH AND PRACTICE.—The Secretary of
4 Defense shall provide for the translation of research on
5 the diagnosis and treatment of mental health conditions
6 into policy on medical practices.

7 (b) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary shall submit
9 to the Committees on Armed Services of the House of
10 Representatives and the Senate a report on the translation
11 of research into policy as described in subsection (a). The
12 report shall include the following:

13 (1) A summary of the efforts of the Depart-
14 ment of Defense to carry out such translation.

15 (2) A description of any policy established pur-
16 suant to subsection (a).

17 (3) Additional legislative or administrative ac-
18 tions the Secretary considers appropriate with re-
19 spect to such translation.

20 **SEC. 726. TRANSPARENCY IN MENTAL HEALTH CARE SERV-**
21 **ICES PROVIDED BY THE DEPARTMENT OF**
22 **VETERANS AFFAIRS.**

23 (a) MEASUREMENT OF MENTAL HEALTH CARE
24 SERVICES.—

25 (1) IN GENERAL.—Not later than December 31,
26 2013, the Secretary of Veterans Affairs shall develop

1 and implement a comprehensive set of measures to
2 assess mental health care services furnished by the
3 Department of Veterans Affairs.

4 (2) ELEMENTS.—The measures developed and
5 implemented under paragraph (1) shall provide an
6 accurate and comprehensive assessment of the fol-
7 lowing:

8 (A) The timeliness of the furnishing of
9 mental health care by the Department.

10 (B) The satisfaction of patients who re-
11 ceive mental health care services furnished by
12 the Department.

13 (C) The capacity of the Department to fur-
14 nish mental health care.

15 (D) The availability and furnishing of evi-
16 dence-based therapies by the Department.

17 (b) GUIDELINES FOR STAFFING MENTAL HEALTH
18 CARE SERVICES.—Not later than December 31, 2013, the
19 Secretary shall develop and implement guidelines for the
20 staffing of general and specialty mental health care serv-
21 ices, including at community-based outpatient clinics.
22 Such guidelines shall include productivity standards for
23 providers of mental health care.

24 (c) STUDY COMMITTEE.—

1 (1) IN GENERAL.—The Secretary shall seek to
2 enter into a contract with the National Academy of
3 Sciences to create a study committee—

4 (A) to consult with the Secretary on the
5 Secretary's development and implementation of
6 the measures and guidelines required by sub-
7 sections (a) and (b); and

8 (B) to conduct an assessment and provide
9 an analysis and recommendations on the state
10 of Department mental health services.

11 (2) FUNCTIONS.—In entering into the contract
12 described in paragraph (1), the Secretary shall, with
13 respect to paragraph (1)(B), include in such con-
14 tract a provision for the study committee—

15 (A) to conduct a comprehensive assessment
16 of barriers to access to mental health care by
17 veterans who served in the Armed Forces in
18 Operation Enduring Freedom, Operation Iraqi
19 Freedom, or Operation New Dawn;

20 (B) to assess the quality of the mental
21 health care being provided to such veterans (in-
22 cluding the extent to which veterans are af-
23 forded choices with respect to modes of treat-
24 ment) through site visits to facilities of the Vet-
25 erans Health Administration (including at least

1 one site visit in each Veterans Integrated Serv-
2 ice Network), evaluating studies of patient out-
3 comes, and other appropriate means;

4 (C) to assess whether, and the extent to
5 which, veterans who served in the Armed
6 Forces in Operation Enduring Freedom, Oper-
7 ation Iraqi Freedom, or Operation New Dawn
8 are being offered a full range of necessary men-
9 tal health services at Department health care
10 facilities, including early intervention services
11 for hazardous drinking, relationship problems,
12 and other behaviors that create a risk for the
13 development of a chronic mental health condi-
14 tion;

15 (D) to conduct surveys or have access to
16 Department-administered surveys of—

17 (i) providers of Department mental
18 health services;

19 (ii) veterans who served in the Armed
20 Forces in Operation Enduring Freedom,
21 Operation Iraqi Freedom, or Operation
22 New Dawn who are receiving mental
23 health care furnished by the Department;
24 and

1 (iii) eligible veterans who served in the
2 Armed Forces in Operation Enduring
3 Freedom, Operation Iraqi Freedom, or Op-
4 eration New Dawn who are not using De-
5 partment health care services to assess
6 those barriers described in subparagraph
7 (A); and

8 (E) to provide to the Secretary, on the
9 basis of its assessments as delineated in sub-
10 paragraphs (A) through (C), specific, detailed
11 recommendations—

12 (i) for overcoming barriers, and im-
13 proving access, to timely, effective mental
14 health care at Department health care fa-
15 cilities (or, where Department facilities
16 cannot provide such care, through contract
17 arrangements under existing law); and

18 (ii) to improve the effectiveness and
19 efficiency of mental health services fur-
20 nished by the Secretary.

21 (3) PARTICIPATION BY FORMER OFFICIALS AND
22 EMPLOYEES OF VETERANS HEALTH ADMINISTRA-
23 TION.—The Secretary shall ensure that any contract
24 entered into under paragraph (1) provides for inclu-
25 sion on any subcommittee which participates in con-

1 ducting the assessments and formulating the rec-
2 ommendations provided for in paragraph (2) at least
3 one former official of the Veterans Health Adminis-
4 tration and at least two former employees of the
5 Veterans Health Administration who were providers
6 of mental health care.

7 (4) PERIODIC REPORTS TO SECRETARY.—In en-
8 tering into the contract described in paragraph (1),
9 the Secretary shall, with respect to paragraph
10 (1)(A), include in such contract a provision for the
11 submittal to the Secretary of periodic reports and
12 provision of other consultation to the Secretary by
13 the study committee to assist the Secretary in car-
14 rying out subsections (a) and (b).

15 (5) REPORTS TO CONGRESS.—Not later than
16 30 days after receiving a report under paragraph
17 (4), the Secretary shall submit to the Committee on
18 Veterans' Affairs of the Senate and the Committee
19 on Veterans' Affairs of the House of Representatives
20 a report on the plans of the Secretary to implement
21 such recommendations submitted to the Secretary by
22 the study committee as the Secretary considers ap-
23 propriate. Such report shall include a description of
24 each recommendation submitted to the Secretary
25 that the Secretary does not plan to carry out and an

1 explanation of why the Secretary does not plan to
2 carry out such recommendation.

3 (d) PUBLICATION.—

4 (1) IN GENERAL.—The Secretary shall make
5 available to the public on an Internet website of the
6 Department the following:

7 (A) The measures and guidelines developed
8 and implemented under this section.

9 (B) An assessment of the performance of
10 the Department using such measures and
11 guidelines.

12 (2) QUARTERLY UPDATES.—The Secretary
13 shall update the measures, guidelines, and assess-
14 ment made available to the public under paragraph
15 (1) not less frequently than quarterly.

16 (e) SEMIANNUAL REPORTS.—

17 (1) IN GENERAL.—Not later than June 30,
18 2013, and not less frequently than twice each year
19 thereafter, the Secretary shall submit to the commit-
20 tees of Congress specified in subsection (c)(5) a re-
21 port on the Secretary's progress in developing and
22 implementing the measures and guidelines required
23 by this section.

24 (2) ELEMENTS.—Each report submitted under
25 paragraph (1) shall include the following:

1 (A) A description of the development and
2 implementation of the measures required by
3 subsection (a) and the guidelines required by
4 subsection (b).

5 (B) A description of the progress made by
6 the Secretary in developing and implementing
7 such measures and guidelines.

8 (C) An assessment of the mental health
9 care services furnished by the Department,
10 using the measures developed and implemented
11 under subsection (a).

12 (D) An assessment of the effectiveness of
13 the guidelines developed and implemented under
14 subsection (b).

15 (E) Such recommendations for legislative
16 or administrative action as the Secretary may
17 have to improve the effectiveness and efficiency
18 of the mental health care services furnished
19 under laws administered by the Secretary.

20 (f) IMPLEMENTATION REPORT.—

21 (1) IN GENERAL.—Not later than 30 days be-
22 fore the date on which the Secretary begins imple-
23 menting the measures and guidelines required by
24 this section, the Secretary shall submit to the com-
25 mittees of Congress specified in subsection (c)(5) a

1 report on the Secretary's planned implementation of
2 such measures and guidelines.

3 (2) ELEMENTS.—The report required by para-
4 graph (1) shall include the following:

5 (A) A detailed description of the measures
6 and guidelines that the Secretary plans to im-
7 plement under this section.

8 (B) A description of the rationale for each
9 measure and guideline the Secretary plans to
10 implement under this section.

11 (C) A discussion of each measure and
12 guideline that the Secretary considered under
13 this section but chose not to implement.

14 (D) The number of current vacancies in
15 mental health care provider positions in the De-
16 partment.

17 (E) An assessment of how many additional
18 positions are needed to meet current or ex-
19 pected demand for mental health services fur-
20 nished by the Department.

1 **SEC. 727. EXPANSION OF VET CENTER PROGRAM TO IN-**
2 **CLUDE FURNISHING COUNSELING TO CER-**
3 **TAIN MEMBERS OF THE ARMED FORCES AND**
4 **THEIR FAMILY MEMBERS.**

5 Section 1712A of title 38, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A), by striking
10 “Upon the request” and all that follows
11 through the period at the end and insert-
12 ing “Upon the request of any individual re-
13 ferred to in subparagraph (C), the Sec-
14 retary shall furnish counseling, including
15 by furnishing counseling through a Vet
16 Center, to the individual—

17 “(i) in the case of an individual referred to in
18 clauses (i) through (iv) of subparagraph (C), to as-
19 sist the individual in readjusting to civilian life; and

20 “(ii) in the case of an individual referred to in
21 clause (v) of such subparagraph who is a family
22 member of a veteran or member described in such
23 clause—

24 “(I) in the case of a member who is de-
25 ployed in a theater of combat operations or an
26 area at a time during which hostilities are oc-

1 curring in that area, during such deployment to
2 assist such individual in coping with such de-
3 ployment; and

4 “(II) in the case of a veteran or member
5 who is readjusting to civilian life, to the degree
6 that counseling furnished to such individual is
7 found to aid in the readjustment of such vet-
8 eran or member to civilian life.”; and

9 (ii) by striking subparagraph (B) and
10 inserting the following new subparagraphs:

11 “(B) Counseling furnished to an individual under
12 subparagraph (A) may include a comprehensive individual
13 assessment of the individual’s psychological, social, and
14 other characteristics to ascertain whether—

15 “(i) in the case of an individual referred to in
16 clauses (i) through (iv) of subparagraph (C), such
17 individual has difficulties associated with readjusting
18 to civilian life; and

19 “(ii) in the case of an individual referred to in
20 clause (v) of such subparagraph, such individual has
21 difficulties associated with—

22 “(I) coping with the deployment of a mem-
23 ber described in subclause (I) of such clause; or

1 “(II) readjustment to civilian life of a vet-
2 eran or member described in subclause (II) of
3 such clause.

4 “(C) Subparagraph (A) applies to the following indi-
5 viduals:

6 “(i) Any individual who is a veteran or member
7 of the Armed Forces, including a member of a re-
8 serve component of the Armed Forces, who served
9 on active duty in a theater of combat operations or
10 an area at a time during which hostilities occurred
11 in that area.

12 “(ii) Any individual who is a veteran or member
13 of the Armed Forces, including a member of a re-
14 serve component of the Armed Forces, who provided
15 direct emergency medical or mental health care, or
16 mortuary services to the casualties of combat oper-
17 ations or hostilities, but who at the time was located
18 outside the theater of combat operations or area of
19 hostilities.

20 “(iii) Any individual who is a veteran or mem-
21 ber of the Armed Forces, including a member of a
22 reserve component of the Armed Forces, who en-
23 gaged in combat with an enemy of the United States
24 or against an opposing military force in a theater of
25 combat operations or an area at a time during which

1 hostilities occurred in that area by remotely control-
2 ling an unmanned aerial vehicle, notwithstanding
3 whether the physical location of such veteran or
4 member during such combat was within such theater
5 of combat operations or area.

6 “(iv) Any individual who received counseling
7 under this section before the date of the enactment
8 of the National Defense Authorization Act for Fiscal
9 Year 2013.

10 “(v) Any individual who is a family member of
11 any—

12 “(I) member of the Armed Forces, includ-
13 ing a member of a reserve component of the
14 Armed Forces, who is serving on active duty in
15 a theater of combat operations or in an area at
16 a time during which hostilities are occurring in
17 that area; or

18 “(II) veteran or member of the Armed
19 Forces described in this subparagraph.”;

20 (B) by striking paragraph (2);

21 (C) by redesignating paragraph (3) as
22 paragraph (2); and

23 (D) in paragraph (2), as redesignated by
24 subparagraph (C)—

1 (i) by striking “a veteran described in
2 paragraph (1)(B)(iii)” and inserting “an
3 individual described in paragraph (1)(C)”;
4 and

5 (ii) by striking “the veteran a prelimi-
6 nary general mental health assessment”
7 and inserting “the individual a comprehen-
8 sive individual assessment as described in
9 paragraph (1)(B)”;

10 (2) in subsection (b)(1), by striking “physician
11 or psychologist” each place it appears and inserting
12 “licensed or certified mental health care provider”;

13 (3) in subsection (g)—

14 (A) by amending paragraph (1) to read as
15 follows:

16 “(1) The term ‘Vet Center’ means a facility
17 which is operated by the Department for the provi-
18 sion of services under this section and which is situ-
19 ated apart from Department general health care fa-
20 cilities.”; and

21 (B) by adding at the end the following new
22 paragraph:

23 “(3) The term ‘family member’, with respect to
24 a veteran or member of the Armed Forces, means an
25 individual who—

1 “(A) is a member of the family of the vet-
2 eran or member, including—

3 “(i) a parent;

4 “(ii) a spouse;

5 “(iii) a child;

6 “(iv) a step-family member; and

7 “(v) an extended family member; or

8 “(B) lives with the veteran or member but
9 is not a member of the family of the veteran or
10 member.”; and

11 (4) by redesignating subsection (g), as amended
12 by paragraph (3), as subsection (h) and inserting
13 after subsection (f) the following new subsection (g):

14 “(g) In carrying out this section and in furtherance
15 of the Secretary’s responsibility to carry out outreach ac-
16 tivities under chapter 63 of this title, the Secretary may
17 provide for and facilitate the participation of personnel
18 employed by the Secretary to provide services under this
19 section in recreational programs that are—

20 “(1) designed to encourage the readjustment of
21 veterans described in subsection (a)(1)(C); and

22 “(2) operated by any organization named in or
23 approved under section 5902 of this title.”.

1 **SEC. 728. ORGANIZATION OF THE READJUSTMENT COUN-**
2 **SELING SERVICE IN THE DEPARTMENT OF**
3 **VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Subchapter I of chapter 73 of title
5 38, United States Code, is amended by adding at the end
6 the following new section:

7 **“§ 7309. Readjustment Counseling Service**

8 “(a) IN GENERAL.—There is in the Veterans Health
9 Administration a Readjustment Counseling Service. The
10 Readjustment Counseling Service shall provide readjust-
11 ment counseling and associated services to individuals in
12 accordance with section 1712A of this title.

13 “(b) CHIEF OFFICER.—(1) The head of the Read-
14 justment Counseling Service shall be the Chief Officer of
15 the Readjustment Counseling Service (in this section re-
16 ferred to as the ‘Chief Officer’), who shall report directly
17 to the Under Secretary for Health.

18 “(2) The Chief Officer shall be appointed by the
19 Under Secretary for Health from among individuals
20 who—

21 “(A)(i) are psychologists who hold a diploma as
22 a doctorate in clinical or counseling psychology from
23 an authority approved by the American Psycho-
24 logical Association and who have successfully under-
25 gone an internship approved by that association;

1 “(ii) are holders of a master in social work de-
2 gree; or

3 “(iii) hold such other advanced degrees related
4 to mental health as the Secretary considers appro-
5 priate;

6 “(B) have at least three years of experience
7 providing direct counseling services or outreach serv-
8 ices in the Readjustment Counseling Service;

9 “(C) have at least three years of experience ad-
10 ministrating direct counseling services or outreach
11 services in the Readjustment Counseling Service;

12 “(D) meet the quality standards and require-
13 ments of the Department; and

14 “(E) are veterans who served in combat as
15 members of the Armed Forces.

16 “(c) STRUCTURE.—(1) The Readjustment Coun-
17 seling Service is a distinct organizational element within
18 Veterans Health Administration.

19 “(2) The Readjustment Counseling Service shall pro-
20 vide counseling and services as described in subsection (a).

21 “(3) The Chief Officer shall have direct authority
22 over all Readjustment Counseling Service staff and assets,
23 including Vet Centers.

24 “(d) SOURCE OF FUNDS.—(1) Amounts for the ac-
25 tivities of the Readjustment Counseling Service, including

1 the operations of its Vet Centers, shall be derived from
2 amounts appropriated for the Veterans Health Adminis-
3 tration for medical care.

4 “(2) Amounts for activities of the Readjustment
5 Counseling Service, including the operations of its Vet
6 Centers, shall not be allocated through the Veterans Equi-
7 table Resource Allocation system.

8 “(3) In each budget request submitted for the De-
9 partment of Veterans Affairs by the President to Congress
10 under section 1105 of title 31, the budget request for the
11 Readjustment Counseling Service shall be listed sepa-
12 rately.

13 “(e) ANNUAL REPORT.—(1) Not later than March 15
14 of each year, the Secretary shall submit to the Committee
15 on Veterans’ Affairs of the Senate and the Committee on
16 Veterans’ Affairs of the House of Representatives a report
17 on the activities of the Readjustment Counseling Service
18 during the preceding calendar year.

19 “(2) Each report submitted under paragraph (1)
20 shall include, with respect to the period covered by the
21 report, the following:

22 “(A) A summary of the activities of the Read-
23 justment Counseling Service, including Vet Centers.

24 “(B) A description of the workload and addi-
25 tional treatment capacity of the Vet Centers, includ-

1 ing, for each Vet Center, the ratio of the number of
2 full-time equivalent employees at such Vet Center
3 and the number of individuals who received services
4 or assistance at such Vet Center.

5 “(C) A detailed analysis of demand for and
6 unmet need for readjustment counseling services and
7 the Secretary’s plan for meeting such unmet need.

8 “(f) VET CENTER DEFINED.—In this section, the
9 term ‘Vet Center’ has the meaning given the term in sec-
10 tion 1712A(h)(1) of this title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 73 of such title is amended
13 by inserting after the item relating to section 7308 the
14 following new item:

 “7309. Readjustment Counseling Service.”.

15 (c) CONFORMING AMENDMENTS.—Section 7305 of
16 such title is amended—

17 (1) by redesignating paragraph (7) as para-
18 graph (8); and

19 (2) by inserting after paragraph (6) the fol-
20 lowing new paragraph (7):

21 “(7) A Readjustment Counseling Service.”.

1 **SEC. 729. RECRUITMENT OF MENTAL HEALTH PROVIDERS**
2 **FOR FURNISHING MENTAL HEALTH SERV-**
3 **ICES ON BEHALF OF THE DEPARTMENT OF**
4 **VETERANS AFFAIRS WITHOUT COMPENSA-**
5 **TION FROM THE DEPARTMENT.**

6 (a) IN GENERAL.—The Secretary of Veterans Affairs
7 shall carry out a national program of outreach to societies,
8 community organizations, nonprofit organizations, and
9 government entities in order to recruit mental health pro-
10 viders who meet the quality standards and requirements
11 of the Department of Veterans Affairs to provide mental
12 health services for the Department on a part-time, with-
13 out-compensation basis, under section 7405 of title 38,
14 United States Code.

15 (b) PARTNERING WITH AND DEVELOPING COMMU-
16 NITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In
17 carrying out the program required by subsection (a), the
18 Secretary may partner with a community entity or non-
19 profit organization or assist in the development of a com-
20 munity entity or nonprofit organization, including by en-
21 tering into an agreement under section 8153 of title 38,
22 United States Code, that provides strategic coordination
23 of the societies, organizations, and government entities de-
24 scribed in subsection (a) in order to maximize the avail-
25 ability and efficient delivery of mental health services to

1 veterans by such societies, organizations, and government
2 entities.

3 (c) **MILITARY CULTURE TRAINING.**—In carrying out
4 the program required by subsection (a), the Secretary
5 shall provide training to mental health providers to ensure
6 that clinicians who provide mental health services as de-
7 scribed in such subsection have sufficient understanding
8 of military-specific and service-specific culture, combat ex-
9 perience, and other factors that are unique to the experi-
10 ence of veterans who served in Operation Enduring Free-
11 dom, Operating Iraqi Freedom, or Operation New Dawn.

12 **SEC. 730. PEER SUPPORT.**

13 (a) **PEER SUPPORT COUNSELING PROGRAM.**—

14 (1) **PROGRAM REQUIRED.**—Paragraph (1) of
15 section 1720F(j) of title 38, United States Code, is
16 amended in the matter preceding subparagraph (A)
17 by striking “may” and inserting “shall”.

18 (2) **TRAINING.**—Paragraph (2) of such section
19 is amended by inserting after “peer counselors” the
20 following: “, including training carried out under the
21 national program of training required by section
22 304(c) of the Caregivers and Veterans Omnibus
23 Health Services Act of 2010 (38 U.S.C. 1712A
24 note)”.

1 (3) AVAILABILITY OF PROGRAM AT DEPART-
2 MENT MEDICAL CENTERS.—Such section is amended
3 by adding at the end the following new paragraph:

4 “(3) In addition to other locations the Secretary con-
5 siders appropriate, the Secretary shall carry out the peer
6 support program under this subsection at each Depart-
7 ment medical center.”.

8 (4) DEADLINE FOR COMMENCEMENT OF PRO-
9 GRAM.—The Secretary of Veterans Affairs shall en-
10 sure that the peer support counseling program re-
11 quired by section 1720F(j) of title 38, United States
12 Code, as amended by this subsection, commences at
13 each Department of Veterans Affairs medical center
14 not later than 270 days after the date of the enact-
15 ment of this Act.

16 (b) PEER OUTREACH AND PEER SUPPORT SERVICES
17 AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM
18 ON READJUSTMENT AND MENTAL HEALTH CARE SERV-
19 ICES FOR VETERANS WHO SERVED IN OPERATION EN-
20 DURING FREEDOM AND OPERATION IRAQI FREEDOM.—

21 (1) IN GENERAL.—Section 304 of the Care-
22 givers and Veterans Omnibus Health Services Act of
23 2010 (Public Law 111–163; 38 U.S.C. 1712A note)
24 is amended—

1 (A) by redesignating subsection (e) as sub-
2 section (f); and

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

5 “(e) PROVISION OF PEER OUTREACH AND PEER
6 SUPPORT SERVICES AT DEPARTMENT MEDICAL CEN-
7 TERS.—The Secretary shall carry out the services required
8 by subparagraphs (A) and (B) of subsection (a)(1) at each
9 Department medical center.”.

10 (2) DEADLINE.—The Secretary of Veterans Af-
11 fairs shall commence carrying out the services re-
12 quired by subparagraphs (A) and (B) of subsection
13 (a)(1) of such section at each Department of Vet-
14 erans Affairs medical center, as required by sub-
15 section (e) of such section (as added by paragraph
16 (1)), not later than 270 days after the date of the
17 enactment of this Act.

18 **Subtitle D—Reports and Other**
19 **Matters**

20 **SEC. 731. PLAN FOR REFORM OF THE ADMINISTRATION OF**
21 **THE MILITARY HEALTH SYSTEM.**

22 (a) DETAILED PLAN.—In implementing reforms to
23 the governance of the military health system described in
24 the memorandum of the Deputy Secretary of Defense

1 dated March 2012, the Secretary of Defense shall develop
2 a detailed plan to carry out such reform.

3 (b) ELEMENTS.—The plan developed under sub-
4 section (a) shall include the following:

5 (1) Goals to achieve while carrying out the re-
6 form described in subsection (a), including goals
7 with respect to improving clinical and business prac-
8 tices, cost reductions, infrastructure reductions, and
9 personnel reductions, achieved by establishing the
10 Defense Health Agency, carrying out shared serv-
11 ices, and modifying the governance of the National
12 Capital Region.

13 (2) Metrics to evaluate the achievement of each
14 goal under paragraph (1) with respect to the pur-
15 pose, objective, and improvements made by each
16 such goal.

17 (3) The personnel levels required for the De-
18 fense Health Agency and the National Capital Re-
19 gion Medical Directorate.

20 (4) A detailed schedule to carry out the reform
21 described in subsection (a), including a schedule for
22 meeting the goals under paragraph (1).

23 (5) Detailed information describing the initial
24 operating capability of the Defense Health Agency.

1 (6) With respect to each shared service that the
2 Secretary will implement during fiscal year 2013 or
3 2014—

4 (A) a timeline for such implementation;

5 and

6 (B) a business case analysis detailing—

7 (i) the services that will be consoli-
8 dated into the shared service;

9 (ii) the purpose of the shared service;

10 (iii) the scope of the responsibilities
11 and goals for the shared service;

12 (iv) the cost of implementing the
13 shared service, including the costs regard-
14 ing personnel severance, relocation, mili-
15 tary construction, information technology,
16 and contractor support; and

17 (v) the anticipated cost savings to be
18 realized by implementing the shared serv-
19 ice.

20 (c) SUBMISSION.—The Secretary of Defense shall
21 submit to the congressional defense committees the plan
22 developed under subsection (a) as follows:

23 (1) The contents of the plan described in para-
24 graphs (1) and (4) of subsection (b) shall be sub-
25 mitted not later than March 31, 2013.

1 (2) The contents of the plan described in para-
2 graphs (2) and (3) of subsection (b) and paragraph
3 (6) of such subsection with respect to shared serv-
4 ices implemented during fiscal year 2013 shall be
5 submitted not later than June 30, 2013.

6 (3) The contents of the plan described in para-
7 graph (6) of such subsection with respect to shared
8 services implemented during fiscal year 2014 shall
9 be submitted not later than September 30, 2013.

10 (d) LIMITATIONS.—

11 (1) FIRST SUBMISSION.—Of the funds author-
12 ized to be appropriated by this Act or otherwise
13 made available for fiscal year 2013 for the accounts
14 and activities described in paragraph (4), not more
15 than 50 percent may be obligated or expended until
16 the date on which the Secretary of Defense submits
17 to the congressional defense committees the contents
18 of the plan under subsection (c)(1).

19 (2) SECOND SUBMISSION.—Of the funds au-
20 thorized to be appropriated by this Act or otherwise
21 made available for fiscal year 2013 for the accounts
22 and activities described in paragraph (4), not more
23 than 75 percent may be obligated or expended until
24 the date on which the Secretary of Defense submits

1 to the congressional defense committees the contents
2 of the plan under subsection (c)(2).

3 (3) COMPTROLLER GENERAL REVIEW.—The
4 Comptroller General of the United States shall sub-
5 mit to the congressional defense committees a review
6 of the contents of the plan submitted under each of
7 paragraphs (1) and (2) to assess whether the Sec-
8 retary of Defense meets the requirements of such
9 contents.

10 (4) ACCOUNTS AND ACTIVITIES DESCRIBED.—
11 The accounts and activities described in this para-
12 graph are as follows:

13 (A) Operation and maintenance, Defense-
14 wide, for the Office of the Secretary of Defense
15 for travel.

16 (B) Operation and maintenance, Defense-
17 wide, for the Office of the Secretary of Defense
18 for management professional support services.

19 (C) Operation and maintenance, Defense
20 Health Program, for travel.

21 (D) Operation and maintenance, Defense
22 Health Program, for management professional
23 support services.

24 (e) SHARED SERVICES DEFINED.—In this section,
25 the term “shared services” means the common services re-

1 quired for each military department to provide medical
2 support to the Armed Forces and authorized beneficiaries.

3 **SEC. 732. FUTURE AVAILABILITY OF TRICARE PRIME**
4 **THROUGHOUT THE UNITED STATES.**

5 (a) REPORT REQUIRED.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of the enactment of this Act, the Secretary
8 of Defense shall submit to the Committees on Armed
9 Services of the Senate and the House of Representa-
10 tives a report setting forth the policy of the Depart-
11 ment of Defense on the future availability of
12 TRICARE Prime under the TRICARE program for
13 eligible beneficiaries in all TRICARE regions
14 throughout the United States.

15 (2) ELEMENTS.—The report required by para-
16 graph (1) shall include the following:

17 (A) A description, by region, of the dif-
18 ference in availability of TRICARE Prime for
19 eligible beneficiaries (other than eligible bene-
20 ficiaries on active duty in the Armed Forces)
21 under newly awarded TRICARE managed care
22 contracts, including, in particular, an identifica-
23 tion of the regions or areas in which TRICARE
24 Prime will no longer be available for such bene-
25 ficiaries under such contracts.

1 (B) An estimate of the increased costs to
2 be incurred by an affected eligible beneficiary
3 for health care under the TRICARE program.

4 (C) An estimate of the savings to be
5 achieved by the Department as a result of the
6 contracts described in subparagraph (A).

7 (D) A description of the plans of the De-
8 partment to continue to assess the impact on
9 access to health care for affected eligible bene-
10 ficiaries.

11 (E) A description of the plan of the De-
12 partment to provide assistance to affected eligi-
13 ble beneficiaries who are transitioning from
14 TRICARE Prime to TRICARE Standard, in-
15 cluding assistance with respect to identifying
16 health care providers.

17 (F) Any other matter the Secretary con-
18 siders appropriate.

19 (b) DEFINITIONS.—In this section:

20 (1) The term “affected eligible beneficiary”
21 means an eligible beneficiary under the TRICARE
22 Program (other than eligible beneficiaries on active
23 duty in the Armed Forces) who, as of the date of
24 the enactment of this Act—

25 (A) is enrolled in TRICARE Prime; and

1 (B) resides in a region of the United
2 States in which TRICARE Prime enrollment
3 will no longer be available for such beneficiary
4 under a contract described in subsection
5 (a)(2)(A) that does not allow for such enroll-
6 ment because of the location in which such ben-
7 efiary resides.

8 (2) The term “TRICARE Prime” means the
9 managed care option of the TRICARE program.

10 (3) The term “TRICARE program” has the
11 meaning given that term in section 1072(7) of title
12 10, United States Code.

13 (4) The term “TRICARE Standard” means the
14 fee-for-service option of the TRICARE Program.

15 **SEC. 733. EXTENSION OF COMPTROLLER GENERAL REPORT**
16 **ON CONTRACT HEALTH CARE STAFFING FOR**
17 **MILITARY MEDICAL TREATMENT FACILITIES.**

18 Section 726(a) of the National Defense Authorization
19 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
20 1480) is amended by striking “March 31, 2012” and in-
21 serting “March 31, 2013”.

1 **SEC. 734. EXTENSION OF COMPTROLLER GENERAL REPORT**
2 **ON WOMEN-SPECIFIC HEALTH SERVICES AND**
3 **TREATMENT FOR FEMALE MEMBERS OF THE**
4 **ARMED FORCES.**

5 Section 725(c) of the National Defense Authorization
6 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
7 1480) is amended by striking “December 31, 2012” and
8 inserting “March 31, 2013”.

9 **SEC. 735. STUDY ON HEALTH CARE AND RELATED SUPPORT**
10 **FOR CHILDREN OF MEMBERS OF THE ARMED**
11 **FORCES.**

12 (a) **STUDY.**—The Secretary of Defense shall conduct
13 a study on the health care and related support provided
14 by the Secretary to dependent children.

15 (b) **ELEMENTS.**—The study under subsection (a)
16 shall include the following:

17 (1) A comprehensive review of the policies of
18 the Secretary and the TRICARE program with re-
19 spect to providing pediatric care.

20 (2) An assessment of access to pediatric health
21 care by dependent children in appropriate settings.

22 (3) An assessment of access to specialty care by
23 dependent children, including care for children with
24 special health care needs.

1 (4) A comprehensive review and analysis of re-
2 imbursement under the TRICARE program for pe-
3 diatric care.

4 (5) An assessment of the adequacy of the
5 ECHO Program in meeting the needs of dependent
6 children with extraordinary health care needs.

7 (6) An assessment of the adequacy of care
8 management for dependent children with special
9 health care needs.

10 (7) An assessment of the support provided
11 through other Department of Defense or military de-
12 partment programs and policies that support the
13 physical and behavioral health of dependent children,
14 including children with special health care needs.

15 (8) Mechanisms for linking dependent children
16 with special health care needs with State and local
17 community resources, including children's hospitals
18 and providers of pediatric specialty care.

19 (9) Strategies to mitigate the impact of fre-
20 quent relocations related to military service on the
21 continuity of health care services for dependent chil-
22 dren, including children with special health and be-
23 havioral health care needs.

24 (c) REPORT.—Not later than one year after the date
25 of the enactment of this Act, the Secretary shall submit

1 to the congressional defense committees a report on the
2 study under subsection (a), including—

3 (1) the findings of the study;

4 (2) a plan to improve and continuously monitor
5 the access of dependent children to quality health
6 care; and

7 (3) any recommendations for legislation that
8 the Secretary considers necessary to maintain the
9 highest quality of health care for dependent children.

10 (d) DEFINITIONS.—In this section:

11 (1) The term “dependent children” means the
12 children of members of the Armed Forces who are
13 covered beneficiaries under chapter 55 of title 10,
14 United States Code.

15 (2) The term “ECHO Program” means the Ex-
16 tended Care Health Option under subsections (d)
17 through (f) of section 1079 of title 10, United States
18 Code.

19 **SEC. 736. REPORT ON STRATEGY TO TRANSITION TO USE**
20 **OF HUMAN-BASED METHODS FOR CERTAIN**
21 **MEDICAL TRAINING.**

22 (a) REPORT.—

23 (1) IN GENERAL.—Not later than March 1,
24 2013, the Secretary of Defense shall submit to the
25 congressional defense committees a report that out-

1 lines a strategy, including a detailed timeline, to re-
2 fine and, when appropriate, transition to using
3 human-based training methods for the purpose of
4 training members of the Armed Forces in the treat-
5 ment of combat trauma injuries.

6 (2) ELEMENTS.—The report under paragraph
7 (1) shall include the following:

8 (A) Required research, development, test-
9 ing, and evaluation investments to validate
10 human-based training methods to refine, re-
11 duce, and, when appropriate, transition from
12 the use of live animals in medical education and
13 training.

14 (B) Phased sustainment and readiness
15 costs to refine, reduce, and, when appropriate,
16 replace the use of live animals in medical edu-
17 cation and training.

18 (C) Any risks associated with transitioning
19 to human-based training methods, including re-
20 source availability, anticipated technological de-
21 velopment timelines, and potential impact on
22 the present combat trauma training curricula.

23 (D) An assessment of the potential effect
24 of transitioning to human-based training meth-
25 ods on the quality of medical care delivered on

1 the battlefield, including any reduction in the
2 competency of combat medical personnel.

3 (E) An assessment of risks to maintaining
4 the level of combat life-saver techniques per-
5 formed by all members of the Armed Forces.

6 (b) DEFINITIONS.—In this section:

7 (1) The term “combat trauma injuries” means
8 severe injuries likely to occur during combat, includ-
9 ing—

10 (A) extremity hemorrhage;

11 (B) tension pneumothorax;

12 (C) amputation resulting from blast injury;

13 (D) compromises to the airway; and

14 (E) other injuries.

15 (2) The term “human-based training methods”
16 means, with respect to training individuals in med-
17 ical treatment, the use of systems and devices that
18 do not use animals, including—

19 (A) simulators;

20 (B) partial task trainers;

21 (C) moulage;

22 (D) simulated combat environments; and

23 (E) human cadavers.

1 (3) The term “partial task trainers” means
2 training aids that allow individuals to learn or prac-
3 tice specific medical procedures.

4 **SEC. 737. STUDY ON INCIDENCE OF BREAST CANCER**
5 **AMONG MEMBERS OF THE ARMED FORCES**
6 **SERVING ON ACTIVE DUTY.**

7 (a) **STUDY.**—The Secretary of Defense shall conduct
8 a study on the incidence of breast cancer among members
9 of the Armed Forces serving on active duty.

10 (b) **ELEMENTS.**—The study under subsection (a)
11 shall include the following:

12 (1) A determination of the number of members
13 of the Armed Forces who served on active duty at
14 any time during the period from 2000 to 2010 who
15 were diagnosed with breast cancer during such pe-
16 riod.

17 (2) A determination of demographic informa-
18 tion regarding such members, including race, eth-
19 nicity, sex, age, and rank.

20 (3) An analysis of breast cancer treatments re-
21 ceived by such members and the source of such
22 treatment.

23 (4) The availability and training of breast can-
24 cer specialists within the military health system.

1 (5) A comparison of the rates of members of
2 the Armed Forces serving on active duty who have
3 breast cancer to civilian populations with comparable
4 demographic characteristics.

5 (6) Identification of potential factors associated
6 with military service that could increase the risk of
7 breast cancer for members of the Armed Forces
8 serving on active duty.

9 (7) A description of a research agenda to fur-
10 ther the understanding of the Department of De-
11 fense of the incidence of breast cancer among such
12 members.

13 (8) An assessment of the effectiveness of out-
14 reach to members of the Armed Forces to identify
15 risks of, prevent, detect, and treat breast cancer.

16 (9) Recommendations for changes to policy or
17 law that could improve the prevention, early detec-
18 tion, awareness, and treatment of breast cancer
19 among members of the Armed Forces serving on ac-
20 tive duty.

21 (c) REPORT.—Not later than one year after the date
22 of the enactment of this Act, the Secretary shall submit
23 to the congressional defense committees a report on the
24 findings and recommendations of the study under sub-

1 section (a), including a description of any further unique
2 military research needed with respect to breast cancer.

3 **SEC. 738. PERFORMANCE METRICS AND REPORTS ON WAR-**
4 **RIORS IN TRANSITION PROGRAMS OF THE**
5 **MILITARY DEPARTMENTS.**

6 (a) METRICS REQUIRED.—The Secretary of Defense
7 shall establish a policy containing uniform performance
8 outcome measurements to be used by each Secretary of
9 a military department in tracking and monitoring mem-
10 bers of the Armed Forces in Warriors in Transition pro-
11 grams.

12 (b) ELEMENTS.—The policy established under sub-
13 section (a) shall identify outcome measurements with re-
14 spect to the following:

- 15 (1) Physical health and behavioral health.
- 16 (2) Rehabilitation.
- 17 (3) Educational and vocational preparation.
- 18 (4) Such other matters as the Secretary con-
19 siders appropriate.

20 (c) MILESTONES.—In establishing the policy under
21 subsection (a), the Secretary of Defense shall establish
22 metrics and milestones for members in Warriors in Tran-
23 sition programs. Such metrics and milestones shall cover
24 members throughout the course of care and rehabilitation

1 in Warriors in Transitions programs by applying to the
2 following occasions:

3 (1) When the member commences participation
4 in the program.

5 (2) At least once each year the member partici-
6 pates in the program.

7 (3) When the member ceases participation in
8 the program or is transferred to the jurisdiction of
9 the Secretary of Veterans Affairs.

10 (d) COHORT GROUPS AND PARAMETERS.—The policy
11 established under subsection (a)—

12 (1) may differentiate among cohort groups
13 within the population of members in Warriors in
14 Transition programs, as appropriate; and

15 (2) shall include parameters for specific out-
16 come measurements in each element under sub-
17 section (b) and each metric and milestone under
18 subsection (c).

19 (e) REPORTS REQUIRED.—

20 (1) INITIAL REPORT.—Not later than 180 days
21 after the date of the enactment of this Act, the Sec-
22 retary of Defense shall submit to the congressional
23 defense committees a report on the policy estab-
24 lished under subsection (a), including the outcome

1 measurements for each element under subsection (b)
2 and each metric and milestone under subsection (c).

3 (2) ANNUAL REPORTS.—Not later than Feb-
4 ruary of each year beginning in 2014 and ending in
5 2018, the Secretary of Defense shall submit to the
6 congressional defense committees a report on the
7 performance of the military departments with re-
8 spect to the policy established under subsection (a).
9 Each report shall include—

10 (A) an analysis of—

11 (i) data on improvements in the
12 progress of members in Warriors in Tran-
13 sition programs in each specific area iden-
14 tified in the policy;

15 (ii) access to health and rehabilitation
16 services by such members, including aver-
17 age appointment waiting times by spe-
18 cialty;

19 (iii) effectiveness of the programs in
20 assisting in the transition of such members
21 to military duty or civilian life through
22 education and vocational assistance;

23 (iv) any differences in outcomes in
24 Warriors in Transition programs, and the
25 reason for any such differences; and

1 (v) the quantities and effectiveness of
2 medical and nonmedical case managers,
3 legal support and physical evaluation board
4 liaison officers, mental health care pro-
5 viders, and medical evaluation physicians
6 in comparison to the actual number of
7 members requiring such services; and

8 (B) such other results and analyses as the
9 Secretary considers appropriate, including any
10 recommendations for legislation if needed.

11 (f) WARRIORS IN TRANSITION PROGRAM DE-
12 FINED.—In this section, the term “Warriors in Transition
13 program” means any major support program of the
14 Armed Forces for members of the Armed Forces with se-
15 vere wounds, illnesses, or injuries that is intended to pro-
16 vide such members with nonmedical case management
17 service and care coordination services, and includes the
18 programs as follows:

19 (1) Warrior Transition Units and the Wounded
20 Warrior Program of the Army.

21 (2) The Wounded Warrior Safe Harbor pro-
22 gram of the Navy.

23 (3) The Wounded Warrior Regiment of the Ma-
24 rine Corps.

1 (4) The Recovery Care Program and the
2 Wounded Warrior programs of the Air Force.

3 (5) The Care Coalition of the United States
4 Special Operations Command.

5 **SEC. 739. PLAN TO ELIMINATE GAPS AND REDUNDANCIES**
6 **IN PROGRAMS OF THE DEPARTMENT OF DE-**
7 **FENSE ON PSYCHOLOGICAL HEALTH AND**
8 **TRAUMATIC BRAIN INJURY.**

9 (a) SENSE OF CONGRESS.—Congress supports the ef-
10 forts of the Secretary of Veterans Affairs and the Sec-
11 retary of Defense to educate members of the Armed
12 Forces, veterans, the families of such members and vet-
13 erans, the medical community, and the public with respect
14 to the causes, symptoms, and treatment of post-traumatic
15 stress disorder.

16 (b) PLAN.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense shall submit to the Committees on
20 Armed Services of the Senate and the House of Rep-
21 resentatives a plan to improve the coordination and
22 integration of the programs of the Department of
23 Defense that address traumatic brain injury and the
24 psychological health of members of the Armed
25 Forces.

1 (2) ELEMENTS.—The plan under paragraph (1)
2 shall include the following:

3 (A) Identification of—

4 (i) any gaps in services and treat-
5 ments provided by the programs of the De-
6 partment of Defense that address trau-
7 matic brain injury and the psychological
8 health of members of the Armed Forces;
9 and

10 (ii) any unnecessary redundancies in
11 such programs.

12 (B) A plan for mitigating the gaps and
13 redundancies identified under subparagraph
14 (A).

15 (C) Identification of the official within the
16 Department who will be responsible for leading
17 the implementation of the plan described in
18 paragraph (1).

19 **TITLE VIII—ACQUISITION POL-**
20 **ICY, ACQUISITION MANAGE-**
21 **MENT, AND RELATED MAT-**
22 **TERS**

Subtitle A—Acquisition Policy and Management

Sec. 801. Treatment of procurements on behalf of the Department of Defense through the Work for Others program of the Department of Energy.

Sec. 802. Review and justification of pass-through contracts.

- Sec. 803. Availability of amounts in Defense Acquisition Workforce Development Fund.
- Sec. 804. Department of Defense policy on contractor profits.
- Sec. 805. Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain nondefense agencies.
- Sec. 806. Extension of authority relating to management of supply-chain risk.
- Sec. 807. Sense of Congress on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

- Sec. 811. Limitation on use of cost-type contracts.
- Sec. 812. Estimates of potential termination liability of contracts for the development or production of major defense acquisition programs.
- Sec. 813. Technical change regarding programs experiencing critical cost growth due to change in quantity purchased.
- Sec. 814. Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 821. Modification of time period for congressional notification of the lease of certain vessels by the Department of Defense.
- Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 823. Codification and amendment relating to life-cycle management and product support requirements.
- Sec. 824. Codification of requirement relating to Government performance of critical acquisition functions.
- Sec. 825. Competition in acquisition of major subsystems and subassemblies on major defense acquisition programs.
- Sec. 826. Compliance with Berry Amendment required for uniform components supplied to Afghan military or Afghan National Police.
- Sec. 827. Enhancement of whistleblower protections for contractor employees.
- Sec. 828. Pilot program for enhancement of contractor employee whistleblower protections.
- Sec. 829. Extension of contractor conflict of interest limitations.
- Sec. 830. Repeal of sunset for certain protests of task and delivery order contracts.
- Sec. 831. Guidance and training related to evaluating reasonableness of price.
- Sec. 832. Department of Defense access to, use of, and safeguards and protections for contractor internal audit reports.
- Sec. 833. Contractor responsibilities in regulations relating to detection and avoidance of counterfeit electronic parts.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations

- Sec. 841. Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 842. Limitation on authority to acquire products and services produced in Afghanistan.

- Sec. 843. Responsibility within Department of Defense for operational contract support.
- Sec. 844. Data collection on contract support for future overseas contingency operations involving combat operations.
- Sec. 845. Inclusion of operational contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure.
- Sec. 846. Requirements for risk assessments related to contractor performance.
- Sec. 847. Extension and modification of reports on contracting in Iraq and Afghanistan.
- Sec. 848. Responsibilities of inspectors general for overseas contingency operations.
- Sec. 849. Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies.
- Sec. 850. Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations.
- Sec. 851. Database on price trends of items and services under Federal contracts.
- Sec. 852. Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System.
- Sec. 853. Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions.

Subtitle E—Other Matters

- Sec. 861. Requirements and limitations for suspension and debarment officials of the Department of Defense, the Department of State, and the United States Agency for International Development.
- Sec. 862. Uniform contract writing system requirements.
- Sec. 863. Extension of other transaction authority.
- Sec. 864. Report on allowable costs of compensation of contractor employees.
- Sec. 865. Reports on use of indemnification agreements.
- Sec. 866. Plan to increase number of contractors eligible for contracts under Air Force NETCENTS-2 contract.
- Sec. 867. Inclusion of information on prevalent grounds for sustaining bid protests in annual protest report by Comptroller General to Congress.

1 **Subtitle A—Acquisition Policy and**
2 **Management**

3 **SEC. 801. TREATMENT OF PROCUREMENTS ON BEHALF OF**
4 **THE DEPARTMENT OF DEFENSE THROUGH**
5 **THE WORK FOR OTHERS PROGRAM OF THE**
6 **DEPARTMENT OF ENERGY.**

7 (a) IN GENERAL.—Subsection (d) of section 801 of
8 the National Defense Authorization Act for Fiscal Year
9 2008 (10 U.S.C. 2304 note) is amended—

10 (1) in the subsection heading, by striking “DE-
11 FENSE” and inserting “APPLICABLE”;

12 (2) by redesignating paragraphs (1) and (2) as
13 subparagraphs (A) and (B), respectively;

14 (3) by striking “For the purposes” and insert-
15 ing “(1) Except as provided in paragraph (2), for
16 the purposes”;

17 (4) in paragraph (1), as designated by para-
18 graph (3) of this subsection, by striking “defense
19 procurement” and inserting “applicable procure-
20 ment”; and

21 (5) by adding at the end the following new
22 paragraph (2):

23 “(2) In the case of the procurement of property or
24 services on behalf of the Department of Defense through
25 the Work for Others program of the Department of En-

1 ergy, the laws and regulations applicable under paragraph
2 (1)(B) are the Department of Energy Acquisition Regula-
3 tions, pertinent interagency agreements, and Department
4 of Defense and Department of Energy policies related to
5 the Work for Others program.”.

6 (b) CONFORMING AMENDMENTS.—Such section is
7 further amended by striking “defense procurement” and
8 inserting “applicable procurement” each place it appears
9 as follows:

10 (1) Subsection (a)(1)(B).

11 (2) Subsection (a)(4) (as redesignated by sec-
12 tion 805(a)(3)).

13 (3) Subsection (a)(4)(A) (as redesignated by
14 section 805(a)(3)).

15 (4) Subsection (b)(1)(A).

16 (5) Subsection (b)(1)(B)(ii).

17 (6) Subsection (c)(2)(F).

18 **SEC. 802. REVIEW AND JUSTIFICATION OF PASS-THROUGH**
19 **CONTRACTS.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary of Defense, the Secretary
22 of State, and the Administrator of the United States
23 Agency for International Development shall issue such
24 guidance and regulations as may be necessary to ensure
25 that in any case in which an offeror for a contract or a

1 task or delivery order informs the agency pursuant to sec-
2 tion 52.215-22 of the Federal Acquisition Regulation that
3 the offeror intends to award subcontracts for more than
4 70 percent of the total cost of work to be performed under
5 the contract, task order, or delivery order, the contracting
6 officer for the contract is required to—

7 (1) consider the availability of alternative con-
8 tract vehicles and the feasibility of contracting di-
9 rectly with a subcontractor or subcontractors that
10 will perform the bulk of the work;

11 (2) make a written determination that the con-
12 tracting approach selected is in the best interest of
13 the Government; and

14 (3) document the basis for such determination.

15 **SEC. 803. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUI-**
16 **SITION WORKFORCE DEVELOPMENT FUND.**

17 (a) IN GENERAL.—Section 1705 of title 10, United
18 States Code, is amended—

19 (1) in subsection (d)(2)(C), by striking clauses
20 (i) through (vi) and inserting the following:

21 “(i) For fiscal year 2013, \$500,000,000.

22 “(ii) For fiscal year 2014, \$800,000,000.

23 “(iii) For fiscal year 2015, \$700,000,000.

24 “(iv) For fiscal year 2016, \$600,000,000.

25 “(v) For fiscal year 2017, \$500,000,000.

1 “(vi) For fiscal year 2018,
2 \$400,000,000.”;

3 (2) in subsection (e)—

4 (A) in paragraph (1), by adding at the end
5 the following new sentence: “In the case of tem-
6 porary members of the acquisition workforce
7 designated pursuant to subsection (h)(2), such
8 funds shall be available only for the limited pur-
9 pose of providing training in the performance of
10 acquisition-related functions and duties.”; and

11 (B) in paragraph (5), by inserting before
12 the period at the end the following: “, and who
13 has continued in the employment of the Depart-
14 ment since such time without a break in such
15 employment of more than a year”;

16 (3) by striking subsection (g);

17 (4) by redesignating subsection (h) as sub-
18 section (g); and

19 (5) by adding at the end the following new sub-
20 section (h):

21 “(h) ACQUISITION WORKFORCE DEFINED.—In this
22 section, the term ‘acquisition workforce’ means the fol-
23 lowing:

1 “(1) Personnel in positions designated under
2 section 1721 of this title as acquisition positions for
3 purposes of this chapter.

4 “(2) Other military personnel or civilian em-
5 ployees of the Department of Defense who—

6 “(A) contribute significantly to the acquisi-
7 tion process by virtue of their assigned duties;
8 and

9 “(B) are designated as temporary members
10 of the acquisition workforce by the Under Sec-
11 retary of Defense for Acquisition, Technology,
12 and Logistics, or by the senior acquisition exec-
13 utive of a military department, for the limited
14 purpose of receiving training for the perform-
15 ance of acquisition-related functions and du-
16 ties.”.

17 (b) EXTENSION OF EXPEDITED HIRING AUTHOR-
18 ITY.—Subsection (g) of such section, as redesignated by
19 subsection (a)(4) of this section, is further amended in
20 paragraph (2) by striking “September 30, 2015” and in-
21 serting “September 30, 2017”.

22 (c) PLAN REQUIRED.—Not later than 180 days after
23 the date of the enactment of this Act, the Under Secretary
24 of Defense for Acquisition, Technology, and Logistics shall
25 develop a plan for the implementation of the authority pro-

1 vided by the amendments made by subsection (a) with re-
2 gard to temporary members of the defense acquisition
3 workforce. The plan shall include policy, criteria, and
4 processes for designating temporary members and appro-
5 priate safeguards to prevent the abuse of such authority.

6 **SEC. 804. DEPARTMENT OF DEFENSE POLICY ON CON-**
7 **TRACTOR PROFITS.**

8 (a) REVIEW OF GUIDELINES ON PROFITS.—The Sec-
9 retary of Defense shall review the profit guidelines in the
10 Department of Defense Supplement to the Federal Acqui-
11 sition Regulation in order to identify any modifications to
12 such guidelines that are necessary to ensure an appro-
13 priate link between contractor profit and contractor per-
14 formance. In conducting the review, the Secretary shall
15 obtain the views of experts and interested parties in Gov-
16 ernment and the private sector.

17 (b) MATTERS TO BE CONSIDERED.—In conducting
18 the review required by subsection (a), the Secretary shall
19 consider, at a minimum, the following:

20 (1) Appropriate levels of profit needed to sus-
21 tain competition in the defense industry, taking into
22 account contractor investment and cash flow.

23 (2) Appropriate adjustments to address con-
24 tract and performance risk assumed by the con-

1 tractor, taking into account the extent to which such
2 risk is passed on to subcontractors.

3 (3) Appropriate incentives for superior perform-
4 ance in delivering quality products and services in a
5 timely and cost-effective manner, taking into account
6 such factors as prime contractor cost reduction, con-
7 trol of overhead costs, subcontractor cost reduction,
8 subcontractor management, and effective competi-
9 tion (including the use of small business) at the sub-
10 contract level.

11 (c) MODIFICATION OF GUIDELINES.—Not later than
12 180 days after the date of the enactment of this Act, the
13 Secretary shall modify the profit guidelines described in
14 subsection (a) to make such changes as the Secretary de-
15 termines to be appropriate based on the review conducted
16 pursuant to that subsection.

17 **SEC. 805. MODIFICATION OF AUTHORITIES ON INTERNAL**
18 **CONTROLS FOR PROCUREMENTS ON BEHALF**
19 **OF THE DEPARTMENT OF DEFENSE BY CER-**
20 **TAIN NONDEFENSE AGENCIES.**

21 (a) DISCRETIONARY AUTHORITY.—Subsection (a) of
22 section 801 of the National Defense Authorization Act for
23 Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

1 (1) in paragraph (1), by striking “shall, not
2 later than the date specified in paragraph (2),” and
3 inserting “may”;

4 (2) by striking paragraph (2);

5 (3) by redesignating paragraphs (3) through
6 (6) as paragraphs (2) through (5), respectively;

7 (4) in paragraph (3), as redesignated by para-
8 graph (3) of this subsection—

9 (A) by striking “required under this sub-
10 section” and inserting “to be performed under
11 this subsection”; and

12 (B) by striking “shall” and inserting
13 “may”; and

14 (5) in paragraph (4), as so redesignated, by
15 striking “shall” and inserting “may”.

16 (b) CONFORMING AMENDMENTS.—Subsection
17 (b)(1)(B) of such section is amended—

18 (1) in clause (i), by striking “required by sub-
19 section (a)(4)” and inserting “to be entered into
20 under subsection (a)(3)”; and

21 (2) in clause (ii)—

22 (A) by striking “required by subsection
23 (a)” and inserting “provided for under sub-
24 section (a)”; and

1 (B) by striking “subsection (a)(5)” and in-
2 serting “subsection (a)(4)”.

3 **SEC. 806. EXTENSION OF AUTHORITY RELATING TO MAN-**
4 **AGEMENT OF SUPPLY-CHAIN RISK.**

5 (a) EXTENSION.—Section 806(g) of the Ike Skelton
6 National Defense Authorization Act for Fiscal Year 2011
7 (Public Law 111–383; 124 Stat. 4262; 10 U.S.C. 2304
8 note) is amended by striking “the date that is three years
9 after the date of the enactment of this Act” and inserting
10 “September 30, 2018”.

11 (b) VERIFICATION OF EFFECTIVE IMPLEMENTA-
12 TION.—Section 806 of such Act is further amended by
13 adding at the end the following new subsection:

14 “(h) VERIFICATION OF EFFECTIVE IMPLEMENTA-
15 TION.—

16 “(1) CRITERIA AND DATA COLLECTION TO
17 MEASURE EFFECTIVENESS.—The Secretary of De-
18 fense shall—

19 “(A) establish criteria for measuring the
20 effectiveness of the authority provided by this
21 section; and

22 “(B) collect data to evaluate the implemen-
23 tation of this section using such criteria.

24 “(2) REPORTS.—The Secretary shall submit to
25 the appropriate congressional committees—

1 “(A) not later than March 1, 2013, a re-
2 port on the criteria established under paragraph
3 (1)(A); and

4 “(B) not later than January 1, 2017, a re-
5 port on the effectiveness of the implementation
6 of this section, based on data collected under
7 paragraph (1)(B).”.

8 (c) **TECHNICAL AMENDMENT.**—Section 806(f)(2) of
9 such Act is amended by striking “that awarded” and in-
10 serting “that are awarded”.

11 **SEC. 807. SENSE OF CONGRESS ON THE CONTINUING**
12 **PROGRESS OF THE DEPARTMENT OF DE-**
13 **FENSE IN IMPLEMENTING ITS ITEM UNIQUE**
14 **IDENTIFICATION INITIATIVE.**

15 (a) **FINDINGS.**—Congress makes the following find-
16 ings:

17 (1) In 2003, the Department of Defense initi-
18 ated the Item Unique Identification (IUID) Initia-
19 tive, which requires the marking and tracking of as-
20 sets deployed throughout the Armed Forces or in the
21 possession of Department contractors.

22 (2) The Initiative has the potential for realizing
23 significant cost savings and improving the manage-
24 ment of defense equipment and supplies throughout
25 their lifecycle.

1 (3) The Initiative can help the Department
2 combat the growing problem of counterfeit parts in
3 the military supply chain.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress—

6 (1) to support efforts by the Department of De-
7 fense to implement the Item Unique Identification
8 Initiative;

9 (2) to support measures to verify contractor
10 compliance with section 252.211–7003 (entitled
11 “Item Identification and Valuation”) of the Defense
12 Supplement to the Federal Acquisition Regulation,
13 on Unique Identification, which states that a unique
14 identification equivalent recognized by the Depart-
15 ment is required for certain acquisitions;

16 (3) to encourage the Armed Forces to adopt
17 and implement Item Unique Identification actions
18 and milestones; and

19 (4) to support investment of sufficient resources
20 and continued training and leadership to enable the
21 Department to capture meaningful data and opti-
22 mize the benefits of the Item Unique Identification
23 Initiative.

1 **Subtitle B—Provisions Relating to**
2 **Major Defense Acquisition Pro-**
3 **grams**

4 **SEC. 811. LIMITATION ON USE OF COST-TYPE CONTRACTS.**

5 (a) PROHIBITION WITH RESPECT TO PRODUCTION
6 OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Not later
7 than 120 days after the date of the enactment of this Act,
8 the Secretary of Defense shall modify the acquisition regu-
9 lations of the Department of Defense to prohibit the De-
10 partment from entering into cost-type contracts for the
11 production of major defense acquisition programs.

12 (b) EXCEPTION.—

13 (1) IN GENERAL.—The prohibition under sub-
14 section (a) shall not apply in the case of a particular
15 cost-type contract if the Under Secretary of Defense
16 for Acquisition, Technology, and Logistics provides
17 written certification to the congressional defense
18 committees that a cost-type contract is needed to
19 provide a required capability in a timely and cost-ef-
20 fective manner.

21 (2) SCOPE OF EXCEPTION.—In any case for
22 which the Under Secretary grants an exception
23 under paragraph (1), the Under Secretary shall take
24 affirmative steps to make sure that the use of cost-
25 type pricing is limited to only those line items or

1 portions of the contract where such pricing is needed
2 to achieve the purposes of the exception. A written
3 certification under paragraph (1) shall be accom-
4 panied by an explanation of the steps taken under
5 this paragraph.

6 (c) DEFINITIONS.—In this section:

7 (1) MAJOR DEFENSE ACQUISITION PROGRAM.—
8 The term “major defense acquisition program” has
9 the meaning given the term in section 2430(a) of
10 title 10, United States Code.

11 (2) PRODUCTION OF A MAJOR DEFENSE ACQUI-
12 SITION PROGRAM.—The term “production of a major
13 defense acquisition program” means the production
14 and deployment of a major system that is intended
15 to achieve an operational capability that satisfies
16 mission needs, or any activity otherwise defined as
17 Milestone C under Department of Defense Instruc-
18 tion 5000.02 or related authorities.

19 (3) CONTRACT FOR THE PRODUCTION OF A
20 MAJOR DEFENSE ACQUISITION PROGRAM.—The term
21 “contract for the production of a major defense ac-
22 quisition program”—

23 (A) means a prime contract for the pro-
24 duction of a major defense acquisition program;
25 and

1 (B) does not include individual line items
2 for segregable efforts or contracts for the incre-
3 mental improvement of systems that are al-
4 ready in production (other than contracts for
5 major upgrades that are themselves major de-
6 fense acquisition programs).

7 (d) APPLICABILITY.—The requirements of this sec-
8 tion shall apply to contracts for the production of major
9 defense acquisition programs entered into on or after Oc-
10 tober 1, 2014.

11 **SEC. 812. ESTIMATES OF POTENTIAL TERMINATION LIABIL-**
12 **ITY OF CONTRACTS FOR THE DEVELOPMENT**
13 **OR PRODUCTION OF MAJOR DEFENSE ACQUI-**
14 **SITION PROGRAMS.**

15 (a) DEPARTMENT OF DEFENSE REVIEW.—Not later
16 than 180 days after the date of the enactment of this Act,
17 the Under Secretary of Defense for Acquisition, Tech-
18 nology, and Logistics shall review relevant acquisition
19 guidance and take appropriate actions to ensure that pro-
20 gram managers for major defense acquisition programs
21 are preparing estimates of potential termination liability
22 for covered contracts, including how such termination li-
23 ability is likely to increase or decrease over the period of
24 performance, and are giving appropriate consideration to

1 such estimates before making recommendations on deci-
2 sions to enter into or terminate such contracts.

3 (b) COMPTROLLER GENERAL OF THE UNITED
4 STATES REPORT.—

5 (1) IN GENERAL.—Not later than 270 days
6 after the date of the enactment of this Act, the
7 Comptroller General of the United States shall sub-
8 mit to the congressional defense committees a report
9 on the extent to which the Department of Defense
10 is considering potential termination liability as a fac-
11 tor in entering into and in terminating covered con-
12 tracts.

13 (2) MATTERS TO BE ADDRESSED.—The report
14 required by paragraph (1) shall include, at a min-
15 imum, an assessment of the following:

16 (A) The extent to which the Department of
17 Defense developed estimates of potential termi-
18 nation liability for covered contracts entered
19 into before the date of the enactment of this
20 Act and how such termination liability was like-
21 ly to increase or decrease over the period of
22 performance before making decisions to enter
23 into or terminate such contracts.

24 (B) The extent to which the Department
25 considered estimates of potential termination li-

1 ability for such contracts and how such termi-
2 nation liability was likely to increase or de-
3 crease over the period of performance as a risk
4 factor in deciding whether to enter into or ter-
5 minate such contracts.

6 (c) COVERED CONTRACTS.—For purposes of this sec-
7 tion, a covered contract is a contract for the development
8 or production of a major defense acquisition program for
9 which potential termination liability could reasonably be
10 expected to exceed \$100,000,000.

11 (d) MAJOR DEFENSE ACQUISITION PROGRAM DE-
12 FINED.—In this section, the term “major defense acquisi-
13 tion program” has the meaning given that term in section
14 2430(a) of title 10, United States Code.

15 **SEC. 813. TECHNICAL CHANGE REGARDING PROGRAMS EX-**
16 **PERIENCING CRITICAL COST GROWTH DUE**
17 **TO CHANGE IN QUANTITY PURCHASED.**

18 Section 2433a(c)(3)(A) of title 10, United States
19 Code, is amended by striking “subparagraphs (B) and
20 (C)” and inserting “subparagraphs (B), (C), and (E)”.

1 **SEC. 814. REPEAL OF REQUIREMENT TO REVIEW ONGOING**
2 **PROGRAMS INITIATED BEFORE ENACTMENT**
3 **OF MILESTONE B CERTIFICATION AND AP-**
4 **PROVAL PROCESS.**

5 Subsection (b) of section 205 of the Weapon Systems
6 Acquisition Reform Act of 2009 (Public Law 111–23; 123
7 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

8 **Subtitle C—Amendments to Gen-**
9 **eral Contracting Authorities,**
10 **Procedures, and Limitations**

11 **SEC. 821. MODIFICATION OF TIME PERIOD FOR CONGRES-**
12 **SIONAL NOTIFICATION OF THE LEASE OF**
13 **CERTAIN VESSELS BY THE DEPARTMENT OF**
14 **DEFENSE.**

15 Section 2401(h)(2) of title 10, United States Code,
16 is amended by striking “30 days of continuous session of
17 Congress” and inserting “60 days”.

18 **SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIM-**
19 **PLIFIED ACQUISITION PROCEDURES FOR**
20 **CERTAIN COMMERCIAL ITEMS.**

21 (a) EXTENSION.—Effective as of January 1, 2012,
22 section 4202 of the Clinger–Cohen Act of 1996 (division
23 D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304
24 note) is amended in subsection (e) by striking “2012” and
25 inserting “2015”.

1 (b) TECHNICAL AMENDMENT TO CROSS REF-
2 ERENCES.—Subsection (e) of such Act is further amended
3 by striking “section 303(g)(1) of the Federal Property and
4 Administrative Services Act of 1949, and section 31(a) of
5 the Office of Federal Procurement Policy Act, as amended
6 by this section,” and inserting “section 3305(a) of title
7 41, United States Code, and section 1901(a) of title 41,
8 United States Code,”.

9 **SEC. 823. CODIFICATION AND AMENDMENT RELATING TO**
10 **LIFE-CYCLE MANAGEMENT AND PRODUCT**
11 **SUPPORT REQUIREMENTS.**

12 (a) CODIFICATION AND AMENDMENT.—

13 (1) IN GENERAL.—Chapter 137 of title 10,
14 United States Code, as amended by section 331, is
15 further amended by adding at the end the following
16 new section:

17 **“§ 2337. Life-cycle management and product support**

18 **“(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—**
19 The Secretary of Defense shall issue and maintain com-
20 prehensive guidance on life-cycle management and the de-
21 velopment and implementation of product support strate-
22 gies for major weapon systems. The guidance issued pur-
23 suant to this subsection shall—

24 **“(1) maximize competition and make the best**
25 **possible use of available Department of Defense and**

1 industry resources at the system, subsystem, and
2 component levels; and

3 “(2) maximize value to the Department of De-
4 fense by providing the best possible product support
5 outcomes at the lowest operations and support cost.

6 “(b) PRODUCT SUPPORT MANAGERS.—

7 “(1) REQUIREMENT.—The Secretary of De-
8 fense shall require that each major weapon system
9 be supported by a product support manager in ac-
10 cordance with this subsection.

11 “(2) RESPONSIBILITIES.—A product support
12 manager for a major weapon system shall—

13 “(A) develop and implement a comprehen-
14 sive product support strategy for the weapon
15 system;

16 “(B) use appropriate predictive analysis
17 and modeling tools that can improve material
18 availability and reliability, increase operational
19 availability rates, and reduce operation and
20 sustainment costs;

21 “(C) conduct appropriate cost analyses to
22 validate the product support strategy, including
23 cost-benefit analyses as outlined in Office of
24 Management and Budget Circular A-94;

1 “(D) ensure achievement of desired prod-
2 uct support outcomes through development and
3 implementation of appropriate product support
4 arrangements;

5 “(E) adjust performance requirements and
6 resource allocations across product support in-
7 tegrators and product support providers as nec-
8 essary to optimize implementation of the prod-
9 uct support strategy;

10 “(F) periodically review product support
11 arrangements between the product support inte-
12 grators and product support providers to ensure
13 the arrangements are consistent with the overall
14 product support strategy;

15 “(G) prior to each change in the product
16 support strategy or every five years, whichever
17 occurs first, revalidate any business-case anal-
18 ysis performed in support of the product sup-
19 port strategy; and

20 “(H) ensure that the product support
21 strategy maximizes small business participation
22 at the appropriate tiers.

23 “(c) DEFINITIONS.—In this section:

24 “(1) PRODUCT SUPPORT.—The term ‘product
25 support’ means the package of support functions re-

1 quired to field and maintain the readiness and oper-
2 ational capability of major weapon systems, sub-
3 systems, and components, including all functions re-
4 lated to weapon system readiness.

5 “(2) PRODUCT SUPPORT ARRANGEMENT.—The
6 term ‘product support arrangement’ means a con-
7 tract, task order, or any type of other contractual
8 arrangement, or any type of agreement or non-con-
9 tractual arrangement within the Federal Govern-
10 ment, for the performance of sustainment or logis-
11 tics support required for major weapon systems,
12 subsystems, or components. The term includes ar-
13 rangements for any of the following:

14 “(A) Performance-based logistics.

15 “(B) Sustainment support.

16 “(C) Contractor logistics support.

17 “(D) Life-cycle product support.

18 “(E) Weapon systems product support.

19 “(3) PRODUCT SUPPORT INTEGRATOR.—The
20 term ‘product support integrator’ means an entity
21 within the Federal Government or outside the Fed-
22 eral Government charged with integrating all sources
23 of product support, both private and public, defined
24 within the scope of a product support arrangement.

1 **“§ 1706. Government performance of certain acquisi-**
2 **tion functions**

3 “(a) GOAL.—It shall be the goal of the Department
4 of Defense and each of the military departments to ensure
5 that, for each major defense acquisition program and each
6 major automated information system program, each of the
7 following positions is performed by a properly qualified
8 member of the armed forces or full-time employee of the
9 Department of Defense:

10 “(1) Program executive officer.

11 “(2) Deputy program executive officer.

12 “(3) Program manager.

13 “(4) Deputy program manager.

14 “(5) Senior contracting official.

15 “(6) Chief developmental tester.

16 “(7) Program lead product support manager.

17 “(8) Program lead systems engineer.

18 “(9) Program lead cost estimator.

19 “(10) Program lead contracting officer.

20 “(11) Program lead business financial manager.

21 “(12) Program lead production, quality, and
22 manufacturing.

23 “(13) Program lead information technology.

24 “(b) PLAN OF ACTION.—The Secretary of Defense
25 shall develop and implement a plan of action for recruit-
26 ing, training, and ensuring appropriate career develop-

1 ment of military and civilian personnel to achieve the ob-
2 jective established in subsection (a).

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘major defense acquisition pro-
5 gram’ has the meaning given such term in section
6 2430(a) of this title.

7 “(2) The term ‘major automated information
8 system program’ has the meaning given such term
9 in section 2445a(a) of this title.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of such subchapter is amend-
12 ed by adding at the end the following new item:

“1706. Government performance of certain acquisition functions.”.

13 (b) REPEAL OF SUPERSEDED SECTION.—Section
14 820 of the John Warner National Defense Authorization
15 Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C.
16 1701 note) is repealed.

17 **SEC. 825. COMPETITION IN ACQUISITION OF MAJOR SUB-**
18 **SYSTEMS AND SUBASSEMBLIES ON MAJOR**
19 **DEFENSE ACQUISITION PROGRAMS.**

20 Section 202(c) of the Weapon Systems Acquisition
21 Reform Act of 2009 (Public Law 111–23; 123 Stat. 1720;
22 10 U.S.C. 2430 note) is amended—

23 (1) in the matter preceding paragraph (1), by
24 striking “fair and objective ‘make-buy’ decisions by

1 prime contractors” and inserting “competition or the
2 option of competition at the subcontract level”;

3 (2) by redesignating paragraphs (1), (2), and
4 (3) as paragraphs (2), (3), and (4), respectively; and

5 (3) by inserting before paragraph (2), as reded-
6 icated by paragraph (2) of this section, the fol-
7 lowing new paragraph (1):

8 “(1) where appropriate, breaking out a major
9 subsystem, conducting a separate competition for
10 the subsystem, and providing the subsystem to the
11 prime contractor as Government-furnished equip-
12 ment;”.

13 **SEC. 826. COMPLIANCE WITH BERRY AMENDMENT RE-**
14 **QUIRED FOR UNIFORM COMPONENTS SUP-**
15 **PLIED TO AFGHAN MILITARY OR AFGHAN NA-**
16 **TIONAL POLICE.**

17 (a) **REQUIREMENT.**—In the case of any textile com-
18 ponents supplied by the Department of Defense to the Af-
19 ghan National Army or the Afghan National Police for
20 purposes of production of uniforms, section 2533a of title
21 10, United States Code, shall apply, and no exceptions or
22 exemptions under that section shall apply.

23 (b) **EFFECTIVE DATE.**—This section shall apply to
24 solicitations issued and contracts awarded for the procure-

1 ment of such components after the date of the enactment
2 of this Act.

3 **SEC. 827. ENHANCEMENT OF WHISTLEBLOWER PROTEC-**
4 **TIONS FOR CONTRACTOR EMPLOYEES.**

5 (a) IN GENERAL.—Subsection (a) of section 2409 of
6 title 10, United States Code, is amended—

7 (1) by inserting “(1)” before “An employee”;

8 (2) in paragraph (1), as so designated—

9 (A) by inserting “or subcontractor” after
10 “employee of a contractor”;

11 (B) by striking “a Member of Congress”
12 and all that follows through “the Department
13 of Justice” and inserting “a person or body de-
14 scribed in paragraph (2)”; and

15 (C) by striking “evidence of” and all that
16 follows and inserting the following: “evidence of
17 the following:

18 “(A) Gross mismanagement of a Department of
19 Defense contract or grant, a gross waste of Depart-
20 ment funds, an abuse of authority relating to a De-
21 partment contract or grant, or a violation of law,
22 rule, or regulation related to a Department contract
23 (including the competition for or negotiation of a
24 contract) or grant.

1 “(B) Gross mismanagement of a National Aero-
2 nautics and Space Administration contract or grant,
3 a gross waste of Administration funds, an abuse of
4 authority relating to an Administration contract or
5 grant, or a violation of law, rule, or regulation re-
6 lated to an Administration contract (including the
7 competition for or negotiation of a contract) or
8 grant.

9 “(C) A substantial and specific danger to public
10 health or safety.”; and

11 (3) by adding at the end the following new
12 paragraphs:

13 “(2) The persons and bodies described in this para-
14 graph are the persons and bodies as follows:

15 “(A) A Member of Congress or a representative
16 of a committee of Congress.

17 “(B) An Inspector General.

18 “(C) The Government Accountability Office.

19 “(D) An employee of the Department of De-
20 fense or the National Aeronautics and Space Admin-
21 istration, as applicable, responsible for contract over-
22 sight or management.

23 “(E) An authorized official of the Department
24 of Justice or other law enforcement agency.

25 “(F) A court or grand jury.

1 “(G) A management official or other employee
2 of the contractor or subcontractor who has the re-
3 sponsibility to investigate, discover, or address mis-
4 conduct.

5 “(3) For the purposes of paragraph (1)—

6 “(A) an employee who initiates or provides evi-
7 dence of contractor or subcontractor misconduct in
8 any judicial or administrative proceeding relating to
9 waste, fraud, or abuse on a Department of Defense
10 or National Aeronautics and Space Administration
11 contract or grant shall be deemed to have made a
12 disclosure covered by such paragraph; and

13 “(B) a reprisal described in paragraph (1) is
14 prohibited even if it is undertaken at the request of
15 a Department or Administration official, unless the
16 request takes the form of a nondiscretionary direc-
17 tive and is within the authority of the Department
18 or Administration official making the request.”.

19 (b) INVESTIGATION OF COMPLAINTS.—Subsection
20 (b) of such section is amended—

21 (1) in paragraph (1), by inserting “fails to al-
22 lege a violation of the prohibition in subsection (a),
23 or has previously been addressed in another Federal
24 or State judicial or administrative proceeding initi-
25 ated by the complainant,” after “is frivolous,”;

1 (2) in paragraph (2)—

2 (A) in subparagraph (A), by inserting “,
3 fails to allege a violation of the prohibition in
4 subsection (a), or has previously been addressed
5 in another Federal or State judicial or adminis-
6 trative proceeding initiated by the complainant”
7 after “is frivolous”; and

8 (B) in subparagraph (B), by inserting “,
9 up to 180 days,” after “such additional period
10 of time”; and

11 (3) by adding at the end the following new
12 paragraphs:

13 “(3) The Inspector General may not respond to any
14 inquiry or disclose any information from or about any per-
15 son alleging the reprisal, except to the extent that such
16 response or disclosure is—

17 “(A) made with the consent of the person alleg-
18 ing the reprisal;

19 “(B) made in accordance with the provisions of
20 section 552a of title 5 or as required by any other
21 applicable Federal law; or

22 “(C) necessary to conduct an investigation of
23 the alleged reprisal.

1 “(4) A complaint may not be brought under this sub-
2 section more than three years after the date on which the
3 alleged reprisal took place.”.

4 (c) REMEDY AND ENFORCEMENT AUTHORITY.—Sub-
5 section (c) of such section is amended—

6 (1) in paragraph (1)(B), by striking “the com-
7 pensation (including back pay)” and inserting “com-
8 pensatory damages (including back pay)”;

9 (2) in paragraph (2), by adding at the end fol-
10 lowing new sentence: “An action under this para-
11 graph may not be brought more than two years after
12 the date on which remedies are deemed to have been
13 exhausted.”;

14 (3) in paragraph (4), by striking “and compen-
15 satory and exemplary damages.” and inserting “,
16 compensatory and exemplary damages, and reason-
17 able attorney fees and costs. The person upon whose
18 behalf an order was issued may also file such an ac-
19 tion or join in an action filed by the head of the
20 agency.”;

21 (4) in paragraph (5), by adding at the end the
22 following new sentence: “Filing such an appeal shall
23 not act to stay the enforcement of the order of the
24 head of an agency, unless a stay is specifically en-
25 tered by the court.”; and

1 (5) by adding at the end the following new
2 paragraphs:

3 “(6) The legal burdens of proof specified in section
4 1221(e) of title 5 shall be controlling for the purposes of
5 any investigation conducted by an Inspector General, deci-
6 sion by the head of an agency, or judicial or administrative
7 proceeding to determine whether discrimination prohibited
8 under this section has occurred.

9 “(7) The rights and remedies provided for in this sec-
10 tion may not be waived by any agreement, policy, form,
11 or condition of employment.”.

12 (d) NOTIFICATION OF EMPLOYEES.—Such section is
13 further amended—

14 (1) by redesignating subsections (d) and (e) as
15 subsections (f) and (g), respectively; and

16 (2) by inserting after subsection (c) the fol-
17 lowing new subsection (d):

18 “(d) NOTIFICATION OF EMPLOYEES.—The Secretary
19 of Defense and the Administrator of the National Aero-
20 nautics and Space Administration shall ensure that con-
21 tractors and subcontractors of the Department of Defense
22 and the National Aeronautics and Space Administration,
23 as applicable, inform their employees in writing of the
24 rights and remedies provided under this section, in the
25 predominant native language of the workforce.”.

1 (e) EXCEPTIONS FOR INTELLIGENCE COMMUNITY.—

2 Such section is further amended by inserting after sub-
3 section (d), as added by subsection (d)(2) of this section,
4 the following new subsection (e):

5 “(e) EXCEPTIONS.—(1) This section shall not apply
6 to any element of the intelligence community, as defined
7 in section 3(4) of the National Security Act of 1947 (50
8 U.S.C. 401a(4)).

9 “(2) This section shall not apply to any disclosure
10 made by an employee of a contractor, subcontractor, or
11 grantee of an element of the intelligence community if
12 such disclosure—

13 “(A) relates to an activity of an element of the
14 intelligence community; or

15 “(B) was discovered during contract, sub-
16 contract, or grantee services provided to an element
17 of the intelligence community.”.

18 (f) ABUSE OF AUTHORITY DEFINED.—Subsection
19 (g) of such section, as redesignated by subsection (d)(1)
20 of this section, is further amended by adding at the end
21 the following new paragraph:

22 “(6) The term ‘abuse of authority’ means the
23 following:

24 “(A) An arbitrary and capricious exercise
25 of authority that is inconsistent with the mis-

1 sion of the Department of Defense or the suc-
2 cessful performance of a Department contract
3 or grant.

4 “(B) An arbitrary and capricious exercise
5 of authority that is inconsistent with the mis-
6 sion of the National Aeronautics and Space Ad-
7 ministration or the successful performance of
8 an Administration contract or grant.”.

9 (g) ALLOWABILITY OF LEGAL FEES.—Section
10 2324(k) of such title is amended—

11 (1) in paragraph (1), by striking “commenced
12 by the United States or a State” and inserting
13 “commenced by the United States, by a State, or by
14 a contractor employee submitting a complaint under
15 section 2409 of this title”; and

16 (2) in paragraph (2)(C), by striking “the impo-
17 sition of a monetary penalty” and inserting “the im-
18 position of a monetary penalty or an order to take
19 corrective action under section 2409 of this title”.

20 (h) CONSTRUCTION.—Nothing in this section, or the
21 amendments made by this section, shall be construed to
22 provide any rights to disclose classified information not
23 otherwise provided by law.

24 (i) EFFECTIVE DATE.—

1 (1) IN GENERAL.—The amendments made by
2 this section shall take effect on the date that is 180
3 days after the date of the enactment of this Act, and
4 shall apply to—

5 (A) all contracts awarded on or after such
6 date;

7 (B) all task orders entered on or after such
8 date pursuant to contracts awarded before, on,
9 or after such date; and

10 (C) all contracts awarded before such date
11 that are modified to include a contract clause
12 providing for the applicability of such amend-
13 ments.

14 (2) REVISION OF SUPPLEMENTS TO THE FAR.—
15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Department of Defense Sup-
17 plement to the Federal Acquisition Regulation and
18 the National Aeronautics and Space Administration
19 Supplement to the Federal Acquisition Regulation
20 shall each be revised to implement the requirements
21 arising under the amendments made by this section.

22 (3) INCLUSION OF CONTRACT CLAUSE IN CON-
23 TRACTS AWARDED BEFORE EFFECTIVE DATE.—At
24 the time of any major modification to a contract
25 that was awarded before the date that is 180 days

1 after the date of the enactment of this Act, the head
2 of the contracting agency shall make best efforts to
3 include in the contract a contract clause providing
4 for the applicability of the amendments made by this
5 section to the contract.

6 **SEC. 828. PILOT PROGRAM FOR ENHANCEMENT OF CON-**
7 **TRACTOR EMPLOYEE WHISTLEBLOWER PRO-**
8 **TECTIONS.**

9 (a) WHISTLEBLOWER PROTECTIONS.—

10 (1) IN GENERAL.—Chapter 47 of title 41,
11 United States Code, is amended by adding at the
12 end the following new section:

13 **“§ 4712. Pilot program for enhancement of contractor**
14 **protection from reprisal for disclosure of**
15 **certain information**

16 “(a) PROHIBITION OF REPRISALS.—

17 “(1) IN GENERAL.—An employee of a con-
18 tractor, subcontractor, or grantee may not be dis-
19 charged, demoted, or otherwise discriminated
20 against as a reprisal for disclosing to a person or
21 body described in paragraph (2) information that
22 the employee reasonably believes is evidence of gross
23 mismanagement of a Federal contract or grant, a
24 gross waste of Federal funds, an abuse of authority
25 relating to a Federal contract or grant, a substantial

1 and specific danger to public health or safety, or a
2 violation of law, rule, or regulation related to a Fed-
3 eral contract (including the competition for or nego-
4 tiation of a contract) or grant.

5 “(2) PERSONS AND BODIES COVERED.—The
6 persons and bodies described in this paragraph are
7 the persons and bodies as follows:

8 “(A) A Member of Congress or a rep-
9 resentative of a committee of Congress.

10 “(B) An Inspector General.

11 “(C) The Government Accountability Of-
12 fice.

13 “(D) A Federal employee responsible for
14 contract or grant oversight or management at
15 the relevant agency.

16 “(E) An authorized official of the Depart-
17 ment of Justice or other law enforcement agen-
18 cy.

19 “(F) A court or grand jury.

20 “(G) A management official or other em-
21 ployee of the contractor, subcontractor, or
22 grantee who has the responsibility to inves-
23 tigate, discover, or address misconduct.

24 “(3) RULES OF CONSTRUCTION.—For the pur-
25 poses of paragraph (1)—

1 “(A) an employee who initiates or provides
2 evidence of contractor, subcontractor, or grant-
3 ee misconduct in any judicial or administrative
4 proceeding relating to waste, fraud, or abuse on
5 a Federal contract or grant shall be deemed to
6 have made a disclosure covered by such para-
7 graph; and

8 “(B) a reprisal described in paragraph (1)
9 is prohibited even if it is undertaken at the re-
10 quest of an executive branch official, unless the
11 request takes the form of a non-discretionary
12 directive and is within the authority of the exec-
13 utive branch official making the request.

14 “(b) INVESTIGATION OF COMPLAINTS.—

15 “(1) SUBMISSION OF COMPLAINT.—A person
16 who believes that the person has been subjected to
17 a reprisal prohibited by subsection (a) may submit
18 a complaint to the Inspector General of the executive
19 agency involved. Unless the Inspector General deter-
20 mines that the complaint is frivolous, fails to allege
21 a violation of the prohibition in subsection (a), or
22 has previously been addressed in another Federal or
23 State judicial or administrative proceeding initiated
24 by the complainant, the Inspector General shall in-
25 vestigate the complaint and, upon completion of such

1 investigation, submit a report of the findings of the
2 investigation to the person, the contractor or grantee
3 concerned, and the head of the agency.

4 “(2) INSPECTOR GENERAL ACTION.—

5 “(A) DETERMINATION OR SUBMISSION OF
6 REPORT ON FINDINGS.—Except as provided
7 under subparagraph (B), the Inspector General
8 shall make a determination that a complaint is
9 frivolous, fails to allege a violation of the prohi-
10 bition in subsection (a), or has previously been
11 addressed in another Federal or State judicial
12 or administrative proceeding initiated by the
13 complainant or submit a report under para-
14 graph (1) within 180 days after receiving the
15 complaint.

16 “(B) EXTENSION OF TIME.—If the Inspec-
17 tor General is unable to complete an investiga-
18 tion in time to submit a report within the 180-
19 day period specified in subparagraph (A) and
20 the person submitting the complaint agrees to
21 an extension of time, the Inspector General
22 shall submit a report under paragraph (1) with-
23 in such additional period of time, up to 180
24 days, as shall be agreed upon between the In-

1 spector General and the person submitting the
2 complaint.

3 “(3) PROHIBITION ON DISCLOSURE.—The In-
4 spector General may not respond to any inquiry or
5 disclose any information from or about any person
6 alleging the reprisal, except to the extent that such
7 response or disclosure is—

8 “(A) made with the consent of the person
9 alleging the reprisal;

10 “(B) made in accordance with the provi-
11 sions of section 552a of title 5 or as required
12 by any other applicable Federal law; or

13 “(C) necessary to conduct an investigation
14 of the alleged reprisal.

15 “(4) TIME LIMITATION.—A complaint may not
16 be brought under this subsection more than three
17 years after the date on which the alleged reprisal
18 took place.

19 “(c) REMEDY AND ENFORCEMENT AUTHORITY.—

20 “(1) IN GENERAL.—Not later than 30 days
21 after receiving an Inspector General report pursuant
22 to subsection (b), the head of the executive agency
23 concerned shall determine whether there is sufficient
24 basis to conclude that the contractor or grantee con-
25 cerned has subjected the complainant to a reprisal

1 prohibited by subsection (a) and shall either issue an
2 order denying relief or shall take one or more of the
3 following actions:

4 “(A) Order the contractor or grantee to
5 take affirmative action to abate the reprisal.

6 “(B) Order the contractor or grantee to re-
7 instate the person to the position that the per-
8 son held before the reprisal, together with com-
9 pensatory damages (including back pay), em-
10 ployment benefits, and other terms and condi-
11 tions of employment that would apply to the
12 person in that position if the reprisal had not
13 been taken.

14 “(C) Order the contractor or grantee to
15 pay the complainant an amount equal to the
16 aggregate amount of all costs and expenses (in-
17 cluding attorneys’ fees and expert witnesses’
18 fees) that were reasonably incurred by the com-
19 plainant for, or in connection with, bringing the
20 complaint regarding the reprisal, as determined
21 by the head of the executive agency.

22 “(2) EXHAUSTION OF REMEDIES.—If the head
23 of an executive agency issues an order denying relief
24 under paragraph (1) or has not issued an order
25 within 210 days after the submission of a complaint

1 under subsection (b), or in the case of an extension
2 of time under paragraph (b)(2)(B), not later than
3 30 days after the expiration of the extension of time,
4 and there is no showing that such delay is due to
5 the bad faith of the complainant, the complainant
6 shall be deemed to have exhausted all administrative
7 remedies with respect to the complaint, and the com-
8 plainant may bring a de novo action at law or equity
9 against the contractor or grantee to seek compen-
10 satory damages and other relief available under this
11 section in the appropriate district court of the
12 United States, which shall have jurisdiction over
13 such an action without regard to the amount in con-
14 troversy. Such an action shall, at the request of ei-
15 ther party to the action, be tried by the court with
16 a jury. An action under this paragraph may not be
17 brought more than two years after the date on which
18 remedies are deemed to have been exhausted.

19 “(3) ADMISSIBILITY OF EVIDENCE.—An Inspec-
20 tor General determination and an agency head order
21 denying relief under paragraph (2) shall be admis-
22 sible in evidence in any de novo action at law or eq-
23 uity brought pursuant to this subsection.

24 “(4) ENFORCEMENT OF ORDERS.—Whenever a
25 person fails to comply with an order issued under

1 paragraph (1), the head of the executive agency con-
2 cerned shall file an action for enforcement of such
3 order in the United States district court for a dis-
4 trict in which the reprisal was found to have oc-
5 curred. In any action brought under this paragraph,
6 the court may grant appropriate relief, including in-
7 junctive relief, compensatory and exemplary dam-
8 ages, and attorney fees and costs. The person upon
9 whose behalf an order was issued may also file such
10 an action or join in an action filed by the head of
11 the executive agency.

12 “(5) JUDICIAL REVIEW.—Any person adversely
13 affected or aggrieved by an order issued under para-
14 graph (1) may obtain review of the order’s conform-
15 ance with this subsection, and any regulations issued
16 to carry out this section, in the United States court
17 of appeals for a circuit in which the reprisal is al-
18 leged in the order to have occurred. No petition
19 seeking such review may be filed more than 60 days
20 after issuance of the order by the head of the execu-
21 tive agency. Review shall conform to chapter 7 of
22 title 5. Filing such an appeal shall not act to stay
23 the enforcement of the order of the head of an exec-
24 utive agency, unless a stay is specifically entered by
25 the court.

1 “(6) BURDENS OF PROOF.—The legal burdens
2 of proof specified in section 1221(e) of title 5 shall
3 be controlling for the purposes of any investigation
4 conducted by an Inspector General, decision by the
5 head of an executive agency, or judicial or adminis-
6 trative proceeding to determine whether discrimina-
7 tion prohibited under this section has occurred.

8 “(7) RIGHTS AND REMEDIES NOT WAIVABLE.—
9 The rights and remedies provided for in this section
10 may not be waived by any agreement, policy, form,
11 or condition of employment.

12 “(d) NOTIFICATION OF EMPLOYEES.—The head of
13 each executive agency shall ensure that contractors, sub-
14 contractors, and grantees of the agency inform their em-
15 ployees in writing of the rights and remedies provided
16 under this section, in the predominant native language of
17 the workforce.

18 “(e) CONSTRUCTION.—Nothing in this section may
19 be construed to authorize the discharge of, demotion of,
20 or discrimination against an employee for a disclosure
21 other than a disclosure protected by subsection (a) or to
22 modify or derogate from a right or remedy otherwise avail-
23 able to the employee.

24 “(f) EXCEPTIONS.—(1) This section shall not apply
25 to any element of the intelligence community, as defined

1 in section 3(4) of the National Security Act of 1947 (50
2 U.S.C. 401a(4)).

3 “(2) This section shall not apply to any disclosure
4 made by an employee of a contractor, subcontractor, or
5 grantee of an element of the intelligence community if
6 such disclosure—

7 “(A) relates to an activity of an element of the
8 intelligence community; or

9 “(B) was discovered during contract, sub-
10 contract, or grantee services provided to an element
11 of the intelligence community.

12 “(g) DEFINITIONS.—In this section:

13 “(1) The term ‘abuse of authority’ means an
14 arbitrary and capricious exercise of authority that is
15 inconsistent with the mission of the executive agency
16 concerned or the successful performance of a con-
17 tract or grant of such agency.

18 “(2) The term ‘Inspector General’ means an In-
19 spector General appointed under the Inspector Gen-
20 eral Act of 1978 and any Inspector General that re-
21 ceives funding from, or has oversight over contracts
22 or grants awarded for or on behalf of, the executive
23 agency concerned.

24 “(h) CONSTRUCTION.—Nothing in this section, or the
25 amendments made by this section, shall be construed to

1 provide any rights to disclose classified information not
2 otherwise provided by law.

3 “(i) DURATION OF SECTION.—This section shall be
4 in effect for the four-year period beginning on the date
5 of the enactment of this section.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of such chapter is amended
8 by adding at the end the following new item:

“4712. Pilot program for enhancement of contractor protection from reprisal for
disclosure of certain information.”.

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 subsection (a) shall take effect on the date that is
12 180 days after the date of the enactment of this Act,
13 and shall, during the period section 4712 of title 41,
14 United States Code, as added by such subsection, is
15 in effect, apply to—

16 (A) all contracts and grants awarded on or
17 after such date;

18 (B) all task orders entered on or after such
19 date pursuant to contracts awarded before, on,
20 or after such date; and

21 (C) all contracts awarded before such date
22 that are modified to include a contract clause
23 providing for the applicability of such amend-
24 ments.

1 (2) REVISION OF FEDERAL ACQUISITION REGU-
2 LATION.—Not later than 180 days after the date of
3 the enactment of this Act, the Federal Acquisition
4 Regulation shall be revised to implement the require-
5 ments arising under the amendments made by this
6 section.

7 (3) INCLUSION OF CONTRACT CLAUSE IN CON-
8 TRACTS AWARDED BEFORE EFFECTIVE DATE.—At
9 the time of any major modification to a contract
10 that was awarded before the date that is 180 days
11 after the date of the enactment of this Act, the head
12 of the contracting agency shall make best efforts to
13 include in the contract a contract clause providing
14 for the applicability of the amendments made by this
15 section to the contract.

16 (c) SUSPENSION OF EFFECTIVENESS OF SECTION
17 4705 OF TITLE 41, UNITED STATES CODE, WHILE PILOT
18 PROGRAM IS IN EFFECT.—Section 4705 of title 41,
19 United States Code, is amended by adding at the end the
20 following new subsection:

21 “(f) FOUR-YEAR SUSPENSION OF EFFECTIVENESS
22 WHILE PILOT PROGRAM IS IN EFFECT.—While section
23 4712 of this title is in effect, this section shall not be in
24 effect.”.

1 (d) ALLOWABILITY OF LEGAL FEES.—Section 4310
2 of title 41, United States Code, is amended—

3 (1) in subsection (b), by striking “commenced
4 by the Federal Government or a State” and insert-
5 ing “commenced by the Federal Government, by a
6 State, or by a contractor or grantee employee sub-
7 mitting a complaint under section 4712 of this
8 title”; and

9 (2) in subsection (c)(3), by striking “the impo-
10 sition of a monetary penalty” and inserting “the im-
11 position of a monetary penalty or an order to take
12 corrective action under section 4712 of this title”.

13 (e) GOVERNMENT ACCOUNTABILITY OFFICE STUDY
14 AND REPORT.—

15 (1) STUDY.—Not later than three years after
16 the date of the enactment of this Act, the Comp-
17 troller General of the United States shall begin con-
18 ducting a study to evaluate the implementation of
19 section 4712 of title 41, United States Code, as
20 added by subsection (a).

21 (2) REPORT.—Not later than four years after
22 the date of the enactment of this Act, the Comp-
23 troller General shall submit to Congress a report on
24 the results of the study required by paragraph (1),

1 with such findings and recommendations as the
2 Comptroller General considers appropriate.

3 **SEC. 829. EXTENSION OF CONTRACTOR CONFLICT OF IN-**
4 **TEREST LIMITATIONS.**

5 (a) ASSESSMENT OF EXTENSION OF LIMITATIONS TO
6 CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.—
7 Not later than 180 days after the date of the enactment
8 of this Act, the Secretary of Defense shall review the guid-
9 ance on personal conflicts of interest for contractor em-
10 ployees issued pursuant to section 841(a) of the Duncan
11 Hunter National Defense Authorization Act for Fiscal
12 Year 2009 (Public Law 110–417; 122 Stat. 4537) in
13 order to determine whether it would be in the best interest
14 of the Department of Defense and the taxpayers to extend
15 such guidance to personal conflicts of interest by con-
16 tractor personnel performing any of the following:

17 (1) Functions other than acquisition functions
18 that are closely associated with inherently govern-
19 mental functions (as that term is defined in section
20 2383(b)(3) of title 10, United States Code).

21 (2) Personal services contracts (as that term is
22 defined in section 2330a(g)(5) of title 10, United
23 States Code).

24 (3) Contracts for staff augmentation services
25 (as that term is defined in section 808(d)(3) of the

1 National Defense Authorization Act for Fiscal Year
2 2012 (Public Law 112–81; 125 Stat. 1490)).

3 (b) EXTENSION OF LIMITATIONS.—If the Secretary
4 determines pursuant to the review under subsection (a)
5 that the guidance on personal conflicts of interest should
6 be extended, the Secretary shall revise the Defense Sup-
7 plement to the Federal Acquisition Regulation to the ex-
8 tent necessary to achieve such extension.

9 (c) RESULTS OF REVIEW.—Not later than 180 days
10 after the date of the enactment of this Act, the Secretary
11 shall document in writing the results of the review con-
12 ducted under subsection (a), including, at a minimum—

13 (1) the findings and recommendations of the re-
14 view; and

15 (2) the basis for such findings and rec-
16 ommendations.

17 **SEC. 830. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF**
18 **TASK AND DELIVERY ORDER CONTRACTS.**

19 Section 2304c(e) of title 10, United States Code, is
20 amended by striking paragraph (3).

21 **SEC. 831. GUIDANCE AND TRAINING RELATED TO EVALU-**
22 **ATING REASONABLENESS OF PRICE.**

23 (a) GUIDANCE.—Not later than 180 days after the
24 date of the enactment of this Act, the Under Secretary
25 of Defense for Acquisition, Technology, and Logistics shall

1 issue guidance on the use of the authority provided by sec-
2 tions 2306a(d) and 2379 of title 10, United States Code.

3 The guidance shall—

4 (1) include standards for determining whether
5 information on the prices at which the same or simi-
6 lar items have previously been sold is adequate for
7 evaluating the reasonableness of price;

8 (2) include standards for determining the ex-
9 tent of uncertified cost information that should be
10 required in cases in which price information is not
11 adequate for evaluating the reasonableness of price;

12 (3) ensure that in cases in which such
13 uncertified cost information is required, the informa-
14 tion shall be provided in the form in which it is reg-
15 ularly maintained by the offeror in its business oper-
16 ations; and

17 (4) provide that no additional cost information
18 may be required by the Department of Defense in
19 any case in which there are sufficient non-Govern-
20 ment sales to establish reasonableness of price.

21 (b) TRAINING AND EXPERTISE.—Not later than 270
22 days after the date of the enactment of this Act, the Under
23 Secretary of Defense for Acquisition, Technology, and Lo-
24 gistics shall develop and begin implementation of a plan
25 of action to—

1 (1) train the acquisition workforce on the use of
2 the authority provided by sections 2306a(d) and
3 2379 of title 10, United States Code, in evaluating
4 reasonableness of price in procurements of commer-
5 cial items; and

6 (2) develop a cadre of experts within the De-
7 partment of Defense to provide expert advice to the
8 acquisition workforce in the use of the authority pro-
9 vided by such sections in accordance with the guid-
10 ance issued pursuant to subsection (a).

11 (c) DOCUMENTATION REQUIREMENTS.—The Under
12 Secretary of Defense for Acquisition, Technology, and Lo-
13 gistics shall ensure that requests for uncertified cost infor-
14 mation for the purposes of evaluating reasonableness of
15 price are sufficiently documented. The Under Secretary
16 shall require that the contract file include, at a minimum,
17 the following:

18 (1) A justification of the need for additional
19 cost information.

20 (2) A copy of any request from the Department
21 of Defense to a contractor for additional cost infor-
22 mation.

23 (3) Any response received from the contractor
24 to the request, including any rationale or justifica-

1 tion provided by the contractor for a failure to pro-
2 vide the requested information.

3 (d) COMPTROLLER GENERAL REVIEW AND RE-
4 PORT.—

5 (1) REVIEW REQUIREMENT.—The Comptroller
6 General of the United States shall conduct a review
7 of data collected pursuant to sections 2306a(d) and
8 2379 of title 10, United States Code, during the
9 two-year period beginning on the date of the enact-
10 ment of this Act.

11 (2) REPORT REQUIREMENT.—Not later than
12 180 days after the end of the two-year period re-
13 ferred to in paragraph (1), the Comptroller General
14 shall submit to the congressional defense committees
15 a report on—

16 (A) the extent to which the Department of
17 Defense needed access to additional cost infor-
18 mation pursuant to sections 2306a(d) and 2379
19 of title 10, United States Code, during such
20 two-year period in order to determine price rea-
21 sonableness;

22 (B) the extent to which acquisition officials
23 of the Department of Defense complied with the
24 guidance issued pursuant to subsection (a) dur-
25 ing such two-year period;

1 (C) the extent to which the Department of
2 Defense needed access to additional cost infor-
3 mation during such two-year period to deter-
4 mine reasonableness of price, but was not pro-
5 vided such information by the contractor on re-
6 quest; and

7 (D) recommendations for improving eval-
8 uations of reasonableness of price by Depart-
9 ment of Defense acquisition professionals, in-
10 cluding recommendations for any amendments
11 to law, regulations, or guidance.

12 **SEC. 832. DEPARTMENT OF DEFENSE ACCESS TO, USE OF,**
13 **AND SAFEGUARDS AND PROTECTIONS FOR**
14 **CONTRACTOR INTERNAL AUDIT REPORTS.**

15 (a) **REVISED GUIDANCE REQUIRED.**—Not later than
16 180 days after the date of the enactment of this Act, the
17 Director of the Defense Contract Audit Agency shall revise
18 guidance on access to defense contractor internal audit re-
19 ports (including the Contract Audit Manual) to incor-
20 porate the requirements of this section.

21 (b) **DOCUMENTATION REQUIREMENTS.**—The revised
22 guidance shall ensure that requests for access to defense
23 contractor internal audit reports are appropriately docu-
24 mented. The required documentation shall include, at a
25 minimum, the following:

1 (1) Written determination that access to such
2 reports is necessary to complete required evaluations
3 of contractor business systems.

4 (2) A copy of any request from the Defense
5 Contract Audit Agency to a contractor for access to
6 such reports.

7 (3) A record of response received from the con-
8 tractor, including the contractor's rationale or jus-
9 tification if access to requested reports was not
10 granted.

11 (b) SAFEGUARDS AND PROTECTIONS.—The revised
12 guidance shall include appropriate safeguards and protec-
13 tions to ensure that contractor internal audit reports can-
14 not be used by the Defense Contract Audit Agency for
15 any purpose other than evaluating and testing the efficacy
16 of contractor internal controls and the reliability of associ-
17 ated contractor business systems.

18 (c) RISK-BASED AUDITING.—A determination by the
19 Defense Contract Audit Agency that a contractor has a
20 sound system of internal controls shall provide the basis
21 for increased reliance on contractor business systems or
22 a reduced level of testing with regard to specific audits,
23 as appropriate. Internal audit reports provided by a con-
24 tractor pursuant to this section may be considered in de-
25 termining whether or not a contractor has a sound system

1 of internal controls, but shall not be the sole basis for such
2 a determination.

3 (d) **COMPTROLLER GENERAL REVIEW.**—Not later
4 than one year after the date of the enactment of this Act,
5 the Comptroller General of the United States shall initiate
6 a review of the documentation required by subsection (a).
7 Not later than 90 days after completion of the review, the
8 Comptroller General shall submit to the congressional de-
9 fense committees a report on the results of the review,
10 with findings and recommendations for improving the
11 audit processes of the Defense Contract Audit Agency.

12 **SEC. 833. CONTRACTOR RESPONSIBILITIES IN REGULA-**
13 **TIONS RELATING TO DETECTION AND AVOID-**
14 **ANCE OF COUNTERFEIT ELECTRONIC PARTS.**

15 Section 818(c)(2)(B) of the National Defense Au-
16 thorization Act for Fiscal Year 2012 (Public Law 112–
17 81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to
18 read as follows:

19 “(B) the cost of counterfeit electronic
20 parts and suspect counterfeit electronic parts
21 and the cost of rework or corrective action that
22 may be required to remedy the use or inclusion
23 of such parts are not allowable costs under De-
24 partment contracts, unless—

1 “(i) the covered contractor has an
2 operational system to detect and avoid
3 counterfeit parts and suspect counterfeit
4 electronic parts that has been reviewed and
5 approved by the Department of Defense
6 pursuant to subsection (e)(2)(B);

7 “(ii) the counterfeit electronic parts or
8 suspect counterfeit electronic parts were
9 provided to the contractor as Government
10 property in accordance with part 45 of the
11 Federal Acquisition Regulation; and

12 “(iii) the covered contractor provides
13 timely notice to the Government pursuant
14 to paragraph (4).”.

15 **Subtitle D—Provisions Relating to**
16 **Contracts in Support of Contin-**
17 **gency Operations**

18 **SEC. 841. EXTENSION AND EXPANSION OF AUTHORITY TO**
19 **ACQUIRE PRODUCTS AND SERVICES PRO-**
20 **DUCED IN COUNTRIES ALONG A MAJOR**
21 **ROUTE OF SUPPLY TO AFGHANISTAN.**

22 (a) EXTENSION OF TERMINATION DATE.—Sub-
23 section (f) of section 801 of the National Defense Author-
24 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
25 Stat. 2399) is amended by striking “on or after the date

1 occurring three years after the date of the enactment of
2 this Act” and inserting “after December 31, 2014”.

3 (b) EXPANSION OF AUTHORITY TO COVER FORCES
4 OF THE UNITED STATES AND COALITION FORCES.—Sub-
5 section (b)(1) of such section is amended—

6 (1) in subparagraph (B), by striking “or” at
7 the end;

8 (2) in subparagraph (C), by adding “or” at the
9 end; and

10 (3) by adding at the end the following:

11 “(D) by the United States or coalition
12 forces in Afghanistan if the product or service
13 is from a country that has agreed to allow the
14 transport of coalition personnel, equipment, and
15 supplies;”.

16 (c) REPEAL OF EXPIRED REPORT REQUIREMENT.—
17 Subsection (g) of such section is repealed.

18 (d) CLERICAL AMENDMENT.—The heading of such
19 section is amended by striking “; **REPORT**”.

20 **SEC. 842. LIMITATION ON AUTHORITY TO ACQUIRE PROD-**
21 **UCTS AND SERVICES PRODUCED IN AFGHANI-**
22 **STAN.**

23 Section 886 of the National Defense Authorization
24 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
25 266; 10 U.S.C. 2302 note) is amended—

1 (1) in the section heading, by striking “**IRAQ**
2 **OR**”;

3 (2) by striking “Iraq or” each place it appears;
4 and

5 (3) in the subsection heading of subsection (c),
6 by striking “IRAQ OR”.

7 **SEC. 843. RESPONSIBILITY WITHIN DEPARTMENT OF DE-**
8 **FENSE FOR OPERATIONAL CONTRACT SUP-**
9 **PORT.**

10 (a) **GUIDANCE REQUIRED.**—Not later than one year
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall develop and issue guidance establishing
13 the chain of authority and responsibility within the De-
14 partment of Defense for policy, planning, and execution
15 of operational contract support.

16 (b) **ELEMENTS.**—The guidance under subsection (a)
17 shall, at a minimum—

18 (1) specify the officials, offices, and components
19 of the Department within the chain of authority and
20 responsibility described in subsection (a);

21 (2) identify for each official, office, and compo-
22 nent specified under paragraph (1)—

23 (A) requirements for policy, planning, and
24 execution of contract support for operational

1 contract support, including, at a minimum, re-
2 quirements in connection with—

3 (i) coordination of functions, authori-
4 ties, and responsibilities related to oper-
5 ational contract support, including coordi-
6 nation with relevant Federal agencies;

7 (ii) assessments of total force data in
8 support of Department force planning sce-
9 narios, including the appropriateness of
10 and necessity for the use of contractors for
11 identified functions;

12 (iii) determinations of capability re-
13 quirements for nonacquisition community
14 operational contract support, and identi-
15 fication of resources required for planning,
16 training, and execution to meet such re-
17 quirements; and

18 (iv) determinations of policy regarding
19 the use of contractors by function, and
20 identification of the training exercises that
21 will be required for operational contract
22 support (including an assessment whether
23 or not such exercises will include contrac-
24 tors); and

1 (B) roles, authorities, responsibilities, and
2 lines of supervision for the achievement of the
3 requirements identified under subparagraph
4 (A); and

5 (3) ensure that the chain of authority and re-
6 sponsibility described in subsection (a) is appro-
7 priately aligned with, and appropriately integrated
8 into, the structure of the Department for the con-
9 duct of overseas contingency operations, including
10 the military departments, the Joint Staff, and the
11 commanders of the unified combatant commands.

12 **SEC. 844. DATA COLLECTION ON CONTRACT SUPPORT FOR**
13 **FUTURE OVERSEAS CONTINGENCY OPER-**
14 **ATIONS INVOLVING COMBAT OPERATIONS.**

15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, the Secretary of De-
17 fense, the Secretary of State, and the Administrator of
18 the United States Agency for International Development
19 shall each issue guidance regarding data collection on con-
20 tract support for future contingency operations outside the
21 United States that involve combat operations.

22 (b) ELEMENTS.—The guidance required by sub-
23 section (a) shall ensure that the Department of Defense,
24 the Department of State, and the United States Agency
25 for International Development take the steps necessary to

1 ensure that each agency has the capability to collect and
2 report, at a minimum, the following data regarding such
3 contract support:

4 (1) The total number of contracts entered into
5 as of the date of any report.

6 (2) The total number of such contracts that are
7 active as of such date.

8 (3) The total value of contracts entered into as
9 of such date.

10 (4) The total value of such contracts that are
11 active as of such date.

12 (5) An identification of the extent to which the
13 contracts entered into as of such date were entered
14 into using competitive procedures.

15 (6) The total number of contractor personnel
16 working under contracts entered into as of the end
17 of each calendar quarter during the one-year period
18 ending on such date.

19 (7) The total number of contractor personnel
20 performing security functions under contracts en-
21 tered into as of the end of each calendar quarter
22 during the one-year period ending on such date.

23 (8) The total number of contractor personnel
24 killed or wounded under any contracts entered into.

1 (c) COMPTROLLER GENERAL REVIEW AND RE-
2 PORT.—

3 (1) REVIEW.—The Comptroller General of the
4 United States shall review the data system or sys-
5 tems established to track contractor data pursuant
6 to subsections (a) and (b). The review shall, with re-
7 spect to each such data system, at a minimum—

8 (A) identify each such data system and as-
9 sess the resources needed to sustain such sys-
10 tem;

11 (B) determine if all such data systems are
12 interoperable, use compatible data standards,
13 and meet the requirements of section 2222 of
14 title 10, United States Code; and

15 (C) make recommendations on the steps
16 that the Department of Defense, the Depart-
17 ment of State, and the United States Agency
18 for International Development should take to
19 ensure that all such data systems—

20 (i) meet the requirements of the guid-
21 ance issued pursuant to subsections (a)
22 and (b);

23 (ii) are interoperable, use compatible
24 data standards, and meet the requirements
25 of section 2222 of such title; and

1 (iii) are supported by appropriate
2 business processes and rules to ensure the
3 timeliness and reliability of data.

4 (2) REPORT.—Not later than two years after
5 the date of the enactment of this Act, the Comp-
6 troller General shall submit a report on the review
7 required by paragraph (1) to the following commit-
8 tees:

9 (A) The congressional defense committees.

10 (B) The Committee on Foreign Relations
11 and the Committee on Homeland Security and
12 Governmental Affairs of the Senate.

13 (C) The Committee on Foreign Affairs and
14 the Committee on Oversight and Government
15 Reform of the House of Representatives.

16 **SEC. 845. INCLUSION OF OPERATIONAL CONTRACT SUP-**
17 **PORT IN CERTAIN REQUIREMENTS FOR DE-**
18 **PARTMENT OF DEFENSE PLANNING, JOINT**
19 **PROFESSIONAL MILITARY EDUCATION, AND**
20 **MANAGEMENT STRUCTURE.**

21 (a) READINESS REPORTING SYSTEM.—Section
22 117(c) of title 10, United States Code, is amended by add-
23 ing at the end the following new paragraph:

24 “(8) Measure, on an annual basis, the capa-
25 bility of operational contract support to support cur-

1 rent and anticipated wartime missions of the armed
2 forces.”.

3 (b) OPERATIONAL CONTRACT SUPPORT PLANNING
4 AND PREPAREDNESS FUNCTIONS OF CJCS.—Section
5 153(a)(3) of such title is amended by adding at the end
6 the following new subparagraph:

7 “(F) In coordination with the Under Secretary
8 of Defense for Acquisition, Technology, and Logis-
9 tics, the Secretaries of the military departments, the
10 heads of the Defense Agencies, and the commanders
11 of the combatant commands, determining the oper-
12 ational contract support requirements of the armed
13 forces and recommending the resources required to
14 improve and enhance operational contract support
15 for the armed forces and planning for such oper-
16 ational contract support.”.

17 (c) OPERATIONAL CONTRACT SUPPORT AS MATTER
18 WITHIN COURSE OF JOINT PROFESSIONAL MILITARY
19 EDUCATION.—Section 2151(a) of such title is amended by
20 adding at the end the following new paragraph:

21 “(6) Operational contract support.”.

22 (d) MANAGEMENT STRUCTURE.—Section 2330(e)(2)
23 of such title is amended by striking “other than services”
24 and all that follows and inserting “including services in
25 support of contingency operations. The term does not in-

1 clude services relating to research and development or
2 military construction.”.

3 **SEC. 846. REQUIREMENTS FOR RISK ASSESSMENTS RE-**
4 **LATED TO CONTRACTOR PERFORMANCE.**

5 (a) RISK ASSESSMENTS FOR CONTRACTOR PER-
6 FORMANCE IN OPERATIONAL OR CONTINGENCY PLANS.—

7 The Secretary of Defense shall require that a risk assess-
8 ment on reliance on contractors be included in operational
9 or contingency plans developed by a commander of a com-
10 batant command in executing the responsibilities pre-
11 scribed in section 164 of title 10, United States Code.
12 Such risk assessments shall address, at a minimum, the
13 potential risks listed in subsection (c).

14 (b) COMPREHENSIVE RISK ASSESSMENTS AND MITI-
15 GATION PLANS FOR CONTRACTOR PERFORMANCE IN SUP-
16 PORT OF OVERSEAS CONTINGENCY OPERATIONS.—

17 (1) IN GENERAL.—Subject to paragraphs (2)
18 and (3), not later than six months after the com-
19 mencement or designation of a contingency oper-
20 ation outside the United States that includes or is
21 expected to include combat operations, the head of
22 each covered agency shall perform a comprehensive
23 risk assessment and develop a risk mitigation plan
24 for operational and political risks associated with

1 contractor performance of critical functions in sup-
2 port of the operation for such covered agency.

3 (2) EXCEPTIONS.—Except as provided in para-
4 graph (3), a risk assessment and risk mitigation
5 plan shall not be required under paragraph (1) for
6 an overseas contingency operation if—

7 (A) the operation is not expected to con-
8 tinue for more than one year; and

9 (B) the total amount of obligations for
10 contracts for support of the operation for the
11 covered agency is not expected to exceed
12 \$250,000,000.

13 (3) TERMINATION OF EXCEPTIONS.—Notwith-
14 standing paragraph (2), the head of a covered agen-
15 cy shall perform a risk assessment and develop a
16 risk mitigation plan under paragraph (1) for an
17 overseas contingency operation with regard to which
18 a risk assessment and risk mitigation plan has not
19 previously been performed under paragraph (1) not
20 later than 60 days after the date on which—

21 (A) the operation has continued for more
22 than one year; or

23 (B) the total amount of obligations for
24 contracts for support of the operation for the
25 covered agency exceeds \$250,000,000.

1 (c) COMPREHENSIVE RISK ASSESSMENTS.—A com-
2 prehensive risk assessment under subsection (b) shall con-
3 sider, at a minimum, risks relating to the following:

4 (1) The goals and objectives of the operation
5 (such as risks from contractor behavior or perform-
6 ance that may injure innocent members of the local
7 population or offend their sensibilities).

8 (2) The continuity of the operation (such as
9 risks from contractors refusing to perform or being
10 unable to perform when there may be no timely re-
11 placements available).

12 (3) The safety of military and civilian personnel
13 of the United States if the presence or performance
14 of contractor personnel creates unsafe conditions or
15 invites attack.

16 (4) The safety of contractor personnel employed
17 by the covered agency.

18 (5) The managerial control of the Government
19 over the operation (such as risks from over-reliance
20 on contractors to monitor other contractors or inad-
21 equate means for Government personnel to monitor
22 contractor performance).

23 (6) The critical organic or core capabilities of
24 the Government, including critical knowledge or in-

1 stitutional memory of key operations areas and sub-
2 ject-matter expertise.

3 (7) The ability of the Government to control
4 costs, avoid organizational or personal conflicts of
5 interest, and minimize waste, fraud, and abuse.

6 (d) RISK MITIGATION PLANS.—A risk mitigation
7 plan under subsection (b) shall include, at a minimum,
8 the following:

9 (1) For each high-risk area identified in the
10 comprehensive risk assessment for the operation per-
11 formed under subsection (b)—

12 (A) specific actions to mitigate or reduce
13 such risk, including the development of alter-
14 native capabilities to reduce reliance on con-
15 tractor performance of critical functions;

16 (B) measurable milestones for the imple-
17 mentation of planned risk mitigation or risk re-
18 duction measures; and

19 (C) a process for monitoring, measuring,
20 and documenting progress in mitigating or re-
21 ducing risk.

22 (2) A continuing process for identifying and ad-
23 dressing new and changed risks arising in the course
24 of the operation, including the periodic reassessment
25 of risks and the development of appropriate risk

1 mitigation or reduction plans for any new or
2 changed high-risk area identified.

3 (e) CRITICAL FUNCTIONS.—For purposes of this sec-
4 tion, critical functions include, at a minimum, the fol-
5 lowing:

6 (1) Private security functions, as that term is
7 defined in section 864(a)(6) of the National Defense
8 Authorization Act for Fiscal Year 2008 (10 U.S.C.
9 2302 note).

10 (2) Training and advising Government per-
11 sonnel, including military and security personnel, of
12 a host nation.

13 (3) Conducting intelligence or information oper-
14 ations.

15 (4) Any other functions that are closely associ-
16 ated with inherently governmental functions, includ-
17 ing the functions set forth in section 7.503(d) of the
18 Federal Acquisition Regulation.

19 (5) Any other functions that are deemed critical
20 to the success of the operation.

21 (f) COVERED AGENCY.—In this section, the term
22 “covered agency” means the Department of Defense, the
23 Department of State, and the United States Agency for
24 International Development.

1 **SEC. 847. EXTENSION AND MODIFICATION OF REPORTS ON**
2 **CONTRACTING IN IRAQ AND AFGHANISTAN.**

3 (a) TWO-YEAR EXTENSION OF REQUIREMENT FOR
4 JOINT REPORT.—Subsection (a)(5) of section 863 of the
5 National Defense Authorization Act for Fiscal Year 2008
6 (10 U.S.C. 2302 note) is amended by striking “February
7 1, 2013” and inserting “February 1, 2015”.

8 (b) REPEAL OF COMPTROLLER GENERAL REVIEW.—
9 Such section is further amended by striking subsection
10 (b).

11 (c) CONFORMING AMENDMENTS.—

12 (1) IN GENERAL.—Such section is further
13 amended—

14 (A) by striking “JOINT REPORT RE-
15 QUIRED.—” and all that follows through “para-
16 graph (6)” and inserting “IN GENERAL.—Ex-
17 cept as provided in subsection (f)”;

18 (B) by striking “this subsection” each
19 place it appears and inserting “this section”;

20 (C) by redesignating paragraphs (2)
21 through (7) as subsections (b) through (g), re-
22 spectively, and by moving the left margins of
23 such subsections (including the subparagraphs
24 in such subsections), as so redesignated, two
25 ems to the left;

1 (D) in subsection (b), as redesignated by
2 subparagraph (C) of this paragraph—

3 (i) by capitalizing the second and
4 third words of the heading; and

5 (ii) by redesignating subparagraphs
6 (A) through (I) as paragraphs (1) through
7 (9), respectively;

8 (E) in subsection (c), as redesignated by
9 subparagraph (C) of this paragraph—

10 (i) by capitalizing the second and
11 third words of the heading;

12 (ii) by redesignating subparagraphs
13 (A) through (C) as paragraphs (1) through
14 (3), respectively; and

15 (iii) by striking “paragraph (2)” each
16 place it appears and inserting “subsection
17 (b)”;

18 (F) in subsection (d), as redesignated by
19 subparagraph (C) of this paragraph, by capital-
20 izing the second word of the heading;

21 (G) in subsection (e), as redesignated by
22 subparagraph (C) of this paragraph, by capital-
23 izing the third word of the heading;

24 (H) in subsection (f), as redesignated by
25 subparagraph (C) of this paragraph, by striking

1 “this paragraph” and inserting “this sub-
2 section”; and

3 (I) in subsection (g), as redesignated by
4 subparagraph (C) of this paragraph, by striking
5 “paragraph (2)(F)” and inserting “subsection
6 (b)(6)”.

7 (2) **HEADING AMENDMENT.**—The heading of
8 such section is amended by striking “**AND COMP-**
9 **TROLLER GENERAL REVIEW**”.

10 **SEC. 848. RESPONSIBILITIES OF INSPECTORS GENERAL**
11 **FOR OVERSEAS CONTINGENCY OPERATIONS.**

12 The Inspector General Act of 1978 (5 U.S.C. App.)
13 is amended—

14 (1) by redesignating section 8L as section 8M;
15 and

16 (2) by inserting after section 8J the following
17 new section 8L:

18 **“SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS**
19 **CONTINGENCY OPERATIONS.**

20 “(a) **ADDITIONAL RESPONSIBILITIES OF CHAIR OF**
21 **COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND**
22 **EFFICIENCY.**—Upon the commencement or designation of
23 a military operation as an overseas contingency operation
24 that exceeds 60 days, the Chair of the Council of Inspec-
25 tors General on Integrity and Efficiency (CIGIE) shall,

1 in consultation with the members of the Council, have the
2 additional responsibilities specified in subsection (b) with
3 respect to the Inspectors General specified in subsection
4 (c).

5 “(b) SPECIFIC RESPONSIBILITIES.—The responsibil-
6 ities specified in this subsection are the following:

7 “(1) In consultation with the Inspectors Gen-
8 eral specified in subsection (c), to designate a lead
9 Inspector General in accordance with subsection (d)
10 to discharge the authorities of the lead Inspector
11 General for the overseas contingency operation con-
12 cerned as set forth in subsection (d).

13 “(2) To resolve conflicts of jurisdiction among
14 the Inspectors General specified in subsection (c) on
15 investigations, inspections, and audits with respect
16 to such contingency operation in accordance with
17 subsection (d)(2)(B).

18 “(3) To assist in identifying for the lead inspec-
19 tor general for such contingency operation, Inspec-
20 tors General and inspector general office personnel
21 available to assist the lead Inspector General and
22 the other Inspectors General specified in subsection
23 (c) on matters relating to such contingency oper-
24 ation.

1 “(c) INSPECTORS GENERAL.—The Inspectors Gen-
2 eral specified in this subsection are the Inspectors General
3 as follows:

4 “(1) The Inspector General of the Department
5 of Defense.

6 “(2) The Inspector General of the Department
7 of State.

8 “(3) The Inspector General of the United
9 States Agency for International Development.

10 “(d) LEAD INSPECTOR GENERAL FOR OVERSEAS
11 CONTINGENCY OPERATION.—(1) A lead Inspector Gen-
12 eral for an overseas contingency operation shall be des-
13 igned by the Chair of the Council of Inspectors General
14 on Integrity and Efficiency under subsection (b)(1) not
15 later than 30 days after the commencement or designation
16 of the military operation concerned as an overseas contin-
17 gency operation that exceeds 60 days. The lead Inspector
18 General for a contingency operation shall be designated
19 from among the Inspectors General specified in subsection
20 (c).

21 “(2) The lead Inspector General for an overseas con-
22 tingency operation shall have the following responsibilities:

23 “(A) To appoint, from among the offices of the
24 other Inspectors General specified in subsection (c),
25 an Inspector General to act as associate Inspector

1 General for the contingency operation who shall act
2 in a coordinating role to assist the lead Inspector
3 General in the discharge of responsibilities under
4 this subsection.

5 “(B) To develop and carry out, in coordination
6 with the offices of the other Inspectors General spec-
7 ified in subsection (c), a joint strategic plan to con-
8 duct comprehensive oversight over all aspects of the
9 contingency operation and to ensure through either
10 joint or individual audits, inspections, and investiga-
11 tions, independent and effective oversight of all pro-
12 grams and operations of the Federal Government in
13 support of the contingency operation.

14 “(C) To review and ascertain the accuracy of
15 information provided by Federal agencies relating to
16 obligations and expenditures, costs of programs and
17 projects, accountability of funds, and the award and
18 execution of major contracts, grants, and agree-
19 ments in support of the contingency operation.

20 “(D)(i) If none of the Inspectors General speci-
21 fied in subsection (c) has principal jurisdiction over
22 a matter with respect to the contingency operation,
23 to exercise responsibility for discharging oversight
24 responsibilities in accordance with this Act with re-
25 spect to such matter.

1 “(ii) If more than one of the Inspectors General
2 specified in subsection (c) has jurisdiction over a
3 matter with respect to the contingency operation, to
4 determine principal jurisdiction for discharging over-
5 sight responsibilities in accordance with this Act
6 with respect to such matter.

7 “(E) To employ, or authorize the employment
8 by the other Inspectors General specified in sub-
9 section (c), on a temporary basis using the authori-
10 ties in section 3161 of title 5, United States Code,
11 such auditors, investigators, and other personnel as
12 the lead Inspector General considers appropriate to
13 assist the lead Inspector General and such other In-
14 spectors General on matters relating to the contin-
15 gency operation.

16 “(F) To submit to Congress on a bi-annual
17 basis, and to make available on an Internet website
18 available to the public, a report on the activities of
19 the lead Inspector General and the other Inspectors
20 General specified in subsection (c) with respect to
21 the contingency operation, including—

22 “(i) the status and results of investiga-
23 tions, inspections, and audits and of referrals to
24 the Department of Justice; and

1 “(ii) overall plans for the review of the
2 contingency operation by inspectors general, in-
3 cluding plans for investigations, inspections,
4 and audits.

5 “(G) To submit to Congress on a quarterly
6 basis, and to make available on an Internet website
7 available to the public, a report on the contingency
8 operation.

9 “(H) To carry out such other responsibilities
10 relating to the coordination and efficient and effec-
11 tive discharge by the Inspectors General specified in
12 subsection (c) of duties relating to the contingency
13 operation as the lead Inspector General shall specify.

14 “(3)(A) The lead Inspector General for an overseas
15 contingency operation may employ, or authorize the em-
16 ployment by the other Inspectors General specified in sub-
17 section (c) of, annuitants covered by section 9902(g) of
18 title 5, United States Code, for purposes of assisting the
19 lead Inspector General in discharging responsibilities
20 under this subsection with respect to the contingency oper-
21 ation.

22 “(B) The employment of annuitants under this para-
23 graph shall be subject to the provisions of section 9902(g)
24 of title 5, United States Code, as if the lead Inspector
25 General concerned was the Department of Defense.

1 “(C) The period of employment of an annuitant
2 under this paragraph may not exceed three years, except
3 that the period may be extended for up to an additional
4 two years in accordance with the regulations prescribed
5 pursuant to section 3161(b)(2) of title 5, United States
6 Code.

7 “(4) The lead Inspector General for an overseas con-
8 tingency operation shall discharge the responsibilities for
9 the contingency operation under this subsection in a man-
10 ner consistent with the authorities and requirements of
11 this Act generally and the authorities and requirements
12 applicable to the Inspectors General specified in subsection
13 (c) under this Act.

14 “(e) SUNSET FOR PARTICULAR CONTINGENCY OPER-
15 ATIONS.—The requirements and authorities of this section
16 with respect to an overseas contingency operation shall
17 cease at the end of the first fiscal year after the com-
18 mencement or designation of the contingency operation in
19 which the total amount appropriated for the contingency
20 operation is less than \$100,000,000.

21 “(f) CONSTRUCTION OF AUTHORITY.—Nothing in
22 this section shall be construed to limit the ability of the
23 Inspectors General specified in subsection (c) to enter into
24 agreements to conduct joint audits, inspections, or inves-
25 tigations in the exercise of their oversight responsibilities

1 in accordance with this Act with respect to overseas con-
2 tingency operations.”.

3 **SEC. 849. OVERSIGHT OF CONTRACTS AND CONTRACTING**
4 **ACTIVITIES FOR OVERSEAS CONTINGENCY**
5 **OPERATIONS IN RESPONSIBILITIES OF CHIEF**
6 **ACQUISITION OFFICERS OF FEDERAL AGEN-**
7 **CIES.**

8 (a) IN GENERAL.—Subsection (b)(3) of section 1702
9 of title 41, United States Code, is amended—

10 (1) by redesignating subparagraphs (F) and
11 (G) as subparagraphs (G) and (H), respectively; and

12 (2) by inserting after subparagraph (E) the fol-
13 lowing new subparagraph (F):

14 “(F) advising the executive agency on the appli-
15 cability of relevant policy on the contracts of the
16 agency for overseas contingency operations and en-
17 suring the compliance of the contracts and con-
18 tracting activities of the agency with such policy;”.

19 (b) DEFINITION.—Such section is further amended
20 by adding at the end the following new subsection:

21 “(d) OVERSEAS CONTINGENCY OPERATIONS DE-
22 FINED.—In this section, the term ‘overseas contingency
23 operations’ means military operations outside the United
24 States and its territories and possessions that are a con-

1 tingency operation (as that term is defined in section
2 101(a)(13) of title 10).”.

3 **SEC. 850. REPORTS ON RESPONSIBILITY WITHIN DEPART-**
4 **MENT OF STATE AND THE UNITED STATES**
5 **AGENCY FOR INTERNATIONAL DEVELOP-**
6 **MENT FOR CONTRACT SUPPORT FOR OVER-**
7 **SEAS CONTINGENCY OPERATIONS.**

8 (a) **DOS AND USAID REPORTS REQUIRED.**—Not
9 later than six months after the date of the enactment of
10 this Act, the Secretary of State and the Administrator of
11 the United States Agency for International Development
12 shall, in consultation with the Chief Acquisition Officer
13 of the Department of State and the Chief Acquisition Offi-
14 cer of the United States Agency for International Develop-
15 ment, respectively, each submit to the appropriate commit-
16 tees of Congress an assessment of Department of State
17 and United States Agency for International Development
18 policies governing contract support in overseas contin-
19 gency operations.

20 (b) **ELEMENTS.**—Each report under subsection (a)
21 shall include the following:

22 (1) A description and assessment of the roles
23 and responsibilities of the officials, offices, and com-
24 ponents of the Department of State or the United
25 States Agency for International Development, as ap-

1 plicable, within the chain of authority and responsi-
2 bility for policy, planning, and execution of contract
3 support for overseas contingency operations.

4 (2) Procedures and processes of the Depart-
5 ment or Agency, as applicable, on the following in
6 connection with contract support for overseas contin-
7 gency operations:

8 (A) Collection, inventory, and reporting of
9 data.

10 (B) Acquisition planning.

11 (C) Solicitation and award of contracts.

12 (D) Requirements development and man-
13 agement.

14 (E) Contract tracking and oversight.

15 (F) Performance evaluations.

16 (G) Risk management.

17 (H) Interagency coordination and transi-
18 tion planning.

19 (3) Strategies and improvements necessary for
20 the Department or the Agency, as applicable, to ad-
21 dress reliance on contractors, workforce planning,
22 and the recruitment and training of acquisition
23 workforce personnel, including the anticipated num-
24 ber of personnel needed to perform acquisition man-
25 agement and oversight functions and plans for

1 achieving personnel staffing goals, in connection
2 with overseas contingency operations.

3 (c) COMPTROLLER GENERAL REPORT.—Not later
4 than one year after the date of the enactment of this Act,
5 the Comptroller General of the United States shall submit
6 to the appropriate committees of Congress a report on the
7 progress of the efforts of the Department of State and
8 the United States Agency for International Development
9 in implementing improvements and changes identified
10 under paragraphs (1) through (3) of subsection (b) in the
11 reports required by subsection (a), together with such ad-
12 ditional information as the Comptroller General considers
13 appropriate to further inform such committees on issues
14 relating to the reports required by subsection (a).

15 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this section, the term “appropriate commit-
17 tees of Congress” means—

18 (1) the Committee on Foreign Relations, the
19 Committee on Armed Services, the Committee on
20 Homeland Security and Governmental Affairs, and
21 the Committee on Appropriations of the Senate; and

22 (2) the Committee on Foreign Affairs, the
23 Committee on Armed Services, the Committee on
24 Oversight and Government Reform, and the Com-

1 mittee on Appropriations of the House of Represent-
2 atives.

3 **SEC. 851. DATABASE ON PRICE TRENDS OF ITEMS AND**
4 **SERVICES UNDER FEDERAL CONTRACTS.**

5 (a) DATABASE REQUIRED.—

6 (1) IN GENERAL.—Chapter 33 of title 41,
7 United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 3312. Database on price trends of items and serv-**
10 **ices under Federal contracts**

11 “(a) DATABASE REQUIRED.—The Administrator
12 shall establish and maintain a database of information on
13 price trends for items and services under contracts with
14 the Federal Government. The information in the database
15 shall be designed to assist Federal acquisition officials in
16 the following:

17 “(1) Monitoring developments in price trends
18 for items and services under contracts with the Fed-
19 eral Government.

20 “(2) Conducting price or cost analyses for items
21 and services under offers for contracts with the Fed-
22 eral Government, or otherwise conducting deter-
23 minations of the reasonableness of prices for items
24 and services under such offers, and addressing un-
25 justified escalation in prices being paid by the Fed-

1 eral Government for items and services under con-
2 tracts with the Federal Government.

3 “(b) USE.—(1) The database under subsection (a)
4 shall be available to executive agencies in the evaluation
5 of offers for contracts with the Federal Government for
6 items and services.

7 “(2) The Secretary of Defense may satisfy the re-
8 quirements of this section by complying with the require-
9 ments of section 892 of the Ike Skelton National Defense
10 Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a
11 note).”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 33 of such title is
14 amended by adding at the end the following new
15 item:

“3312. Database on price trends of items and services under Federal con-
tracts.”.

16 (b) USE OF ELEMENTS OF DEPARTMENT OF DE-
17 FENSE PILOT PROJECT.—In establishing the database re-
18 quired by section 3312 of title 41, United States Code (as
19 added by subsection (a)), the Administrator for Federal
20 Procurement Policy shall use and incorporate appropriate
21 elements of the pilot project on pricing being carried out
22 by the Under Secretary of Defense for Acquisition, Tech-
23 nology, and Logistics pursuant to section 892 of the Ike
24 Skelton National Defense Authorization Act for Fiscal

1 Year 2011 (10 U.S.C. 2306a note) and the Better Buying
2 Power initiative of the Secretary of Defense.

3 **SEC. 852. INFORMATION ON CORPORATE CONTRACTOR**
4 **PERFORMANCE AND INTEGRITY THROUGH**
5 **THE FEDERAL AWARDEE PERFORMANCE AND**
6 **INTEGRITY INFORMATION SYSTEM.**

7 Subsection (d) of section 2313 of title 41, United
8 States Code, is amended by adding at the end the fol-
9 lowing new paragraph:

10 “(3) INFORMATION ON CORPORATIONS.—The
11 information in the database on a person that is a
12 corporation shall, to the extent practicable, include
13 information on any parent, subsidiary, or successor
14 entities to the corporation in a manner designed to
15 give the acquisition officials using the database a
16 comprehensive understanding of the performance
17 and integrity of the corporation in carrying out Fed-
18 eral contracts and grants.”.

19 **SEC. 853. INCLUSION OF DATA ON CONTRACTOR PERFORM-**
20 **ANCE IN PAST PERFORMANCE DATABASES**
21 **FOR EXECUTIVE AGENCY SOURCE SELEC-**
22 **TION DECISIONS.**

23 (a) STRATEGY REQUIRED.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Fed-

1 eral Acquisition Regulatory Council shall develop a
2 strategy for ensuring that timely, accurate, and com-
3 plete information on contractor performance is in-
4 cluded in past performance databases used by execu-
5 tive agencies for making source selection decisions.

6 (2) CONSULTATION WITH USDATL.—In devel-
7 oping the strategy required by this subsection, the
8 Federal Acquisition Regulatory Council shall consult
9 with the Under Secretary of Defense for Acquisition,
10 Technology, and Logistics to ensure that the strat-
11 egy is, to the extent practicable, consistent with the
12 strategy developed by the Under Secretary pursuant
13 to section 806 of the National Defense Authorization
14 Act for Fiscal Year 2012 (Public Law 112–81; 125
15 Stat. 1487; 10 U.S.C. 2302 note).

16 (b) ELEMENTS.—The strategy required by subsection
17 (a) shall, at a minimum—

18 (1) establish standards for the timeliness and
19 completeness of past performance submissions for
20 purposes of databases described in subsection (a);

21 (2) assign responsibility and management ac-
22 countability for the completeness of past perform-
23 ance submissions for such purposes; and

24 (3) ensure that past performance submissions
25 for such purposes are consistent with award fee eval-

1 uations in cases where such evaluations have been
2 conducted.

3 (c) CONTRACTOR COMMENTS.—Not later than 180
4 days after the date of the enactment of this Act, the Fed-
5 eral Acquisition Regulation shall be revised to require the
6 following:

7 (1) That affected contractors are provided, in a
8 timely manner, information on contractor perform-
9 ance to be included in past performance databases
10 in accordance with subsection (a).

11 (2) That such contractors are afforded up to 14
12 calendar days, from the date of delivery of the infor-
13 mation provided in accordance with paragraph (1),
14 to submit comments, rebuttals, or additional infor-
15 mation pertaining to past performance for inclusion
16 in such databases.

17 (3) That agency evaluations of contractor past
18 performance, including any comments, rebuttals, or
19 additional information submitted under paragraph
20 (2), are included in the relevant past performance
21 database not later than the date that is 14 days
22 after the date of delivery of the information provided
23 in accordance with paragraph (1).

24 (d) CONSTRUCTION.—Nothing in this section shall be
25 construed to prohibit a contractor from submitting com-

1 ments, rebuttals, or additional information pertaining to
2 past performance after the period described in subsection
3 (c)(2) has elapsed or to prohibit a contractor from chal-
4 lenging a past performance evaluation in accordance with
5 applicable laws, regulations, or procedures.

6 (e) COMPTROLLER GENERAL REPORT.—Not later
7 than 18 months after the date of the enactment of this
8 Act, the Comptroller General of the United States shall
9 submit to the appropriate committees of Congress a report
10 on the actions taken by the Federal Acquisition Regu-
11 latory Council pursuant to this section, including an as-
12 sessment of the following:

13 (1) The extent to which the strategy required
14 by subsection (a) is consistent with the strategy de-
15 veloped by the Under Secretary of Defense for Ac-
16 quisition, Technology, and Logistics as described in
17 subsection (a)(2).

18 (2) The extent to which the actions of the Fed-
19 eral Acquisition Regulatory Council pursuant to this
20 section have otherwise achieved the objectives of this
21 section.

22 (f) DEFINITIONS.—In this section:

23 (1) The term “appropriate committees of Con-
24 gress” means—

1 (A) the Committee on Armed Services, the
2 Committee on Foreign Relations, the Com-
3 mittee on Homeland Security and Govern-
4 mental Affairs, and the Committee on Appro-
5 priations of the Senate; and

6 (B) the Committee on Armed Services, the
7 Committee on Foreign Affairs, the Committee
8 on Oversight and Government Reform, and the
9 Committee on Appropriations of the House of
10 Representatives.

11 (2) The term “executive agency” has the mean-
12 ing given that term in section 133 of title 41, United
13 States Code, except that the term excludes the De-
14 partment of Defense and the military departments.

15 (3) The term “Federal Acquisition Regulatory
16 Council” means the Federal Acquisition Regulatory
17 Council under section 1302(a) of title 41, United
18 States Code.

1 **Subtitle E—Other Matters**
2 **SEC. 861. REQUIREMENTS AND LIMITATIONS FOR SUSPEN-**
3 **SION AND DEBARMENT OFFICIALS OF THE**
4 **DEPARTMENT OF DEFENSE, THE DEPART-**
5 **MENT OF STATE, AND THE UNITED STATES**
6 **AGENCY FOR INTERNATIONAL DEVELOP-**
7 **MENT.**

8 (a) REQUIREMENTS.—Not later than 180 days after
9 the date of the enactment of this Act, the head of the
10 covered agency concerned shall ensure the following:

11 (1) There shall be not less than one suspension
12 and debarment official—

13 (A) in the case of the Department of De-
14 fense, for each of the Department of the Army,
15 the Department of the Navy, the Department of
16 the Air Force, and the Defense Logistics Agen-
17 cy;

18 (B) for the Department of State; and

19 (C) for the United States Agency for Inter-
20 national Development.

21 (2) A suspension and debarment official under
22 paragraph (1) may not report to or be subject to the
23 supervision of the acquisition office or the Inspector
24 General—

1 (A) in the case of the Department of De-
2 fense, of either the Department of Defense or
3 the military department or Defense Agency con-
4 cerned; and

5 (B) in the case of the Department of State
6 and the United States Agency for International
7 Development, of the covered agency concerned.

8 (3) Each suspension and debarment official
9 under paragraph (1) shall have a staff and resources
10 adequate for the discharge of the suspension and de-
11 barment responsibilities of such official.

12 (4) Each suspension and debarment official
13 under paragraph (1) shall document the basis for
14 any final decision taken pursuant to a formal refer-
15 ral in accordance with the policies established under
16 paragraph (5).

17 (5) Each suspension and debarment official
18 under paragraph (1) shall, in consultation with the
19 General Counsel of the covered agency, establish in
20 writing policies for the consideration of the fol-
21 lowing:

22 (A) Formal referrals of suspension and de-
23 barment matters.

24 (B) Suspension and debarment matters
25 that are not formally referred.

1 (b) DUTIES OF INTERAGENCY COMMITTEE ON DE-
2 BARMENT AND SUSPENSION.—Section 873 of the Duncan
3 Hunter National Defense Authorization Act for Fiscal
4 Year 2009 (31 U.S.C. 6101 note) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by inserting “, in-
7 cluding with respect to contracts in connection
8 with contingency operations” before the semi-
9 colon; and

10 (B) in paragraph (7)—

11 (i) in subparagraph (B), by striking
12 “and” at the end;

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

16 (iii) by adding at the end the fol-
17 lowing new subparagraph:

18 “(D) a summary of suspensions,
19 debarments, and administrative agreements
20 during the previous year.”; and

21 (2) by striking subsection (b) and inserting the
22 following new subsections:

23 “(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—
24 The annual report required by subsection (a)(7) shall be

1 submitted not later than January 31 of each year, begin-
2 ning with January 31, 2014.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘contingency operation’ has the
5 meaning given that term in section 101(a)(13) of
6 title 10, United States Code.

7 “(2) The term ‘Interagency Committee on De-
8 barment and Suspension’ means the committee con-
9 stituted under sections 4 and 5 of Executive Order
10 No. 12549.”.

11 (c) COVERED AGENCY.—In this section, the term
12 “covered agency” means the Department of Defense, the
13 Department of State, and the United States Agency for
14 International Development.

15 **SEC. 862. UNIFORM CONTRACT WRITING SYSTEM REQUIRE-**
16 **MENTS.**

17 (a) UNIFORM STANDARDS AND CONTROLS RE-
18 QUIRED.—Not later than 180 days after the date of the
19 enactment of this Act, the officials specified in subsection
20 (b) shall—

21 (1) establish uniform data standards, internal
22 control requirements, independent verification and
23 validation requirements, and business process rules
24 for processing procurement requests, contracts, re-

1 ceipts, and invoices by the Department of Defense or
2 other executive agencies, as applicable;

3 (2) establish and maintain one or more ap-
4 proved electronic contract writing systems that con-
5 form with the standards, requirements, and rules es-
6 tablished pursuant to paragraph (1); and

7 (3) require the use of electronic contract writ-
8 ing systems approved in accordance with paragraph
9 (2) for all contracts entered into by the Department
10 of Defense or other executive agencies, as applicable.

11 (b) COVERED OFFICIALS.—The officials specified in
12 this subsection are the following:

13 (1) The Secretary of Defense, with respect to
14 the Department of Defense and the military depart-
15 ments.

16 (2) The Administrator for Federal Procurement
17 Policy, with respect to the executive agencies other
18 than the Department of Defense and the military
19 departments.

20 (c) ELECTRONIC WRITING SYSTEMS FOR DEPART-
21 MENT OF STATE AND USAID.—Notwithstanding sub-
22 section (b)(2), the Secretary of State and the Adminis-
23 trator of the United States Agency for International De-
24 velopment may meet the requirements of subsection (a)(2)
25 with respect to approved electronic contract writing sys-

1 tems for the Department of State and the United States
2 Agency for International Development, respectively, if the
3 Secretary and the Administrator, as the case may be, dem-
4 onstrate to the Administrator for Federal Procurement
5 Policy that prior investment of resources in existing con-
6 tract writing systems will result in the most cost effective
7 and efficient means to satisfy such requirements.

8 (d) PHASE-IN OF IMPLEMENTATION OF REQUIRE-
9 MENT FOR APPROVED SYSTEMS.—The officials specified
10 in subsection (b) may phase in the implementation of the
11 requirement to use approved electronic contract writing
12 systems in accordance with subsection (a)(3) over a period
13 of up to five years beginning with the date of the enact-
14 ment of this Act.

15 (e) REPORTS.—Not later than 180 days after the
16 date of the enactment of this Act, the officials specified
17 in subsection (b) shall each submit to the appropriate com-
18 mittees of Congress a report on the implementation of the
19 requirements of this section. Each report shall, at a min-
20 imum—

21 (1) describe the standards, requirements, and
22 rules established pursuant to subsection (a)(1);

23 (2) identify the electronic contract writing sys-
24 tems approved pursuant to subsection (a)(2) and, if
25 multiple systems are approved, explain why the use

1 of such multiple systems is the most efficient and ef-
2 fective approach to meet the contract writing needs
3 of the Federal Government; and

4 (3) provide the schedule for phasing in the use
5 of approved electronic contract writing systems in
6 accordance with subsections (a)(3) and (d).

7 (f) DEFINITIONS.—In this section:

8 (1) The term “appropriate committees of Con-
9 gress” means—

10 (A) the Committee on Armed Services, the
11 Committee on Foreign Relations, the Com-
12 mittee on Homeland Security and Govern-
13 mental Affairs, and the Committee on Appro-
14 priations of the Senate; and

15 (B) the Committee on Armed Services, the
16 Committee on Foreign Affairs, the Committee
17 on Oversight and Government Reform, and the
18 Committee on Appropriations of the House of
19 Representatives.

20 (2) The term “executive agency” has the mean-
21 ing given that term in section 133 of title 41, United
22 States Code.

1 **SEC. 863. EXTENSION OF OTHER TRANSACTION AUTHOR-**
2 **ITY.**

3 Section 845(i) of the National Defense Authorization
4 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-
5 ed by striking “September 30, 2013” and inserting “Sep-
6 tember 30, 2018”.

7 **SEC. 864. REPORT ON ALLOWABLE COSTS OF COMPENSA-**
8 **TION OF CONTRACTOR EMPLOYEES.**

9 (a) REPORT REQUIRED.—Not later than 120 days
10 after the date of the enactment of this Act, the Comp-
11 troller General of the United States shall submit to Con-
12 gress a report on the effect of reducing the allowable costs
13 of contractor compensation of employees to the amount
14 payable to the President under section 102 of title 3,
15 United States Code, or to the amount payable to the Vice
16 President under section 104 of such title.

17 (b) MATTERS COVERED.—The report shall include,
18 at a minimum, the following:

19 (1) An estimate of the total number of con-
20 tractor employees whose allowable costs of com-
21 pensation in each of fiscal years 2010, 2011, and
22 2012 would have exceeded the amount of allowable
23 costs under section 2324(e)(1)(P) of title 10, United
24 States Code.

25 (2) An estimate of the total number of con-
26 tractor employees whose allowable costs of com-

1 pensation in each of fiscal years 2010, 2011, and
2 2012 exceeded the amount payable to the President
3 under section 102 of title 3, United States Code.

4 (3) An estimate of the total number of con-
5 tractor employees whose allowable costs of com-
6 pensation in fiscal year 2012 exceeded the amount
7 payable to the Vice President under section 104 of
8 title 3, United States Code.

9 (4) An estimate of the total number of con-
10 tractor employees in fiscal year 2012 that could have
11 been characterized as falling within a narrowly tar-
12 geted exception established by the Secretary of De-
13 fense under section 2324(e)(1)(P) of title 10, United
14 States Code, as a result of the amendment made by
15 section 803(a)(2) of the National Defense Author-
16 ization Act for Fiscal Year 2012 (Public Law 112-
17 81; 125 Stat. 1485).

18 (5) A description of the duties and services per-
19 formed in fiscal year 2012 by employees who were
20 characterized by their employers as falling within a
21 narrowly targeted exception described in paragraph
22 (4).

23 (6) An assessment of whether the compensation
24 amounts provided in fiscal year 2012 to employees
25 who were characterized by their employers as falling

1 within a narrowly targeted exception described in
2 paragraph (4) were provided in a manner consistent
3 with private sector practice.

4 (7) An assessment of the extent to which con-
5 tractor employees received compensation in the form
6 of vested or unvested stock options.

7 (8) An assessment of the potential impact on
8 the Department of Defense, contractors of the De-
9 partment of Defense, and employees of such contrac-
10 tors of adjusting the amount of allowable costs of
11 contractor compensation to the amount specified in
12 paragraph (2) or the amount specified in paragraph
13 (3).

14 (9) Such recommendations as the Comptroller
15 General considers appropriate.

16 **SEC. 865. REPORTS ON USE OF INDEMNIFICATION AGREE-**
17 **MENTS.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 end of each of fiscal years 2013 through 2016, the Sec-
20 retary of Defense shall submit to the appropriate commit-
21 tees of Congress a report on any actions described in sub-
22 section (b) which occurred during the preceding fiscal
23 years.

24 (b) ACTIONS DESCRIBED.—

1 (1) IN GENERAL.—An action described in this
2 subsection is the Secretary of Defense—

3 (A) entering into a contract that includes
4 an indemnification provision relating to bodily
5 injury caused by negligence or relating to
6 wrongful death; or

7 (B) modifying an existing contract to in-
8 clude a provision described in subparagraph (A)
9 in a contract.

10 (2) EXCLUDED CONTRACTS.—Paragraph (1)
11 shall not apply to any contract awarded in accord-
12 ance with—

13 (A) section 2354 of title 10, United States
14 Code; or

15 (B) the Comprehensive Environmental Re-
16 sponse, Compensation, and Liability Act of
17 1980 (42 U.S.C. 9601 et seq.).

18 (c) MATTERS INCLUDED.—For each action covered
19 in a report under subsection (a), the report shall include—

20 (1) the name of the contractor;

21 (2) a description of the indemnification provi-
22 sion included in the contract; and

23 (3) a justification for the contract including the
24 indemnification provision.

1 (d) FORM.—Each report under subsection (a) shall
2 be submitted in unclassified form, but may include a clas-
3 sified annex.

4 (e) APPROPRIATE COMMITTEES OF CONGRESS DE-
5 FINED.—In this section, the term “appropriate commit-
6 tees of Congress” means—

7 (1) the Committee on Armed Services, the
8 Committee on the Budget, and the Committee on
9 Appropriations of the Senate; and

10 (2) the Committee on Armed Services, the
11 Committee on the Budget, and the Committee on
12 Appropriations of the House of Representatives.

13 **SEC. 866. PLAN TO INCREASE NUMBER OF CONTRACTORS**
14 **ELIGIBLE FOR CONTRACTS UNDER AIR**
15 **FORCE NETCENTS-2 CONTRACT.**

16 (a) PLAN REQUIRED.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary of
18 Defense shall submit to the congressional defense commit-
19 tees a plan to increase the number of contractors eligible
20 to be awarded contracts under the Air Force’s Network-
21 Centric Solutions-2 (NETCENTS-2) indefinite-delivery,
22 indefinite-quantity (IDIQ) contract.

23 (b) CONTENT.—The plan required under subsection
24 (a) shall include the following elements:

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

Subtitle A—Department of Defense Management

- Sec. 901. Additional duties of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and amendments to Strategic Materials Protection Board.
- Sec. 902. Requirement for focus on urgent operational needs and rapid acquisition.
- Sec. 903. Designation of Department of Defense senior official for enterprise resource planning system data conversion.
- Sec. 904. Additional responsibilities and resources for Deputy Assistant Secretary of Defense for Developmental Test and Evaluation.
- Sec. 905. Definition and report on terms “preparation of the environment” and “operational preparation of the environment” for joint doctrine purposes.
- Sec. 906. Information for Deputy Chief Management Officer of the Department of Defense from the military departments and Defense Agencies for defense business system investment reviews.

Subtitle B—Space Activities

- Sec. 911. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs.
- Sec. 912. Commercial space launch cooperation.
- Sec. 913. Limitation on international agreements concerning outer space activities.
- Sec. 914. Operationally Responsive Space Program Office.
- Sec. 915. Report on overhead persistent infrared technology.
- Sec. 916. Assessment of foreign components and the space launch capability of the United States.
- Sec. 917. Report on counter space technology.

Subtitle C—Intelligence-Related Activities

- Sec. 921. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.
- Sec. 922. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.
- Sec. 923. Review of Army Distributed Common Ground System.
- Sec. 924. Electro-optical imagery.
- Sec. 925. Defense Clandestine Service.

Subtitle D—Cyberspace-Related Matters

- Sec. 931. Implementation strategy for Joint Information Environment.
- Sec. 932. Next-generation host-based cyber security system for the Department of Defense.
- Sec. 933. Improvements in assurance of computer software procured by the Department of Defense.

- Sec. 934. Competition in connection with Department of Defense tactical data link systems.
- Sec. 935. Collection and analysis of network flow data.
- Sec. 936. Competition for large-scale software database and data analysis tools.
- Sec. 937. Software licenses of the Department of Defense.
- Sec. 938. Sense of Congress on potential security risks to Department of Defense networks.
- Sec. 939. Quarterly cyber operations briefings.
- Sec. 940. Sense of Congress on the United States Cyber Command.
- Sec. 941. Reports to Department of Defense on penetrations of networks and information systems of certain contractors.

Subtitle E—Other Matters

- Sec. 951. Advice on military requirements by Chairman of Joint Chiefs of Staff and Joint Requirements Oversight Council.
- Sec. 952. Enhancement of responsibilities of the Chairman of the Joint Chiefs of Staff regarding the national military strategy.
- Sec. 953. One-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense regional centers for security studies.
- Sec. 954. National Language Service Corps.
- Sec. 955. Savings to be achieved in civilian personnel workforce and service contractor workforce of the Department of Defense.
- Sec. 956. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.

1 **Subtitle A—Department of Defense**
2 **Management**

3 **SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SEC-**
4 **RETARY OF DEFENSE FOR MANUFACTURING**
5 **AND INDUSTRIAL BASE POLICY AND AMEND-**
6 **MENTS TO STRATEGIC MATERIALS PROTEC-**
7 **TION BOARD.**

8 (a) RESPONSIBILITIES OF DEPUTY ASSISTANT SEC-
9 RETARY.—Section 139c(b) of title 10, United States Code,
10 is amended—

11 (1) by striking paragraphs (1) through (4) and
12 inserting the following:

1 “(1) Providing input to strategy reviews, in-
2 cluding quadrennial defense reviews conducted pur-
3 suant to section 118 of this title, on matters related
4 to—

5 “(A) the defense industrial base; and

6 “(B) materials critical to national security.

7 “(2) Establishing policies of the Department of
8 Defense for developing and maintaining the defense
9 industrial base of the United States and ensuring a
10 secure supply of materials critical to national secu-
11 rity.

12 “(3) Providing recommendations on budget
13 matters pertaining to the industrial base, the supply
14 chain, and the development and retention of skills
15 necessary to support the industrial base.

16 “(4) Providing recommendations and acquisi-
17 tion policy guidance on supply chain management
18 and supply chain vulnerability throughout the entire
19 supply chain, from suppliers of raw materials to pro-
20 ducers of major end items.”;

21 (2) by striking paragraph (5) and redesignating
22 paragraphs (6), (7), (8), (9), and (10) as para-
23 graphs (5), (6), (7), (8), and (9), respectively;

24 (3) by inserting after paragraph (9), as so re-
25 designated, the following new paragraph (10):

1 “(10) Providing policy and oversight of matters
2 related to materials critical to national security to
3 ensure a secure supply of such materials to the De-
4 partment of Defense.”;

5 (4) by redesignating paragraph (15) as para-
6 graph (18); and

7 (5) by inserting after paragraph (14) the fol-
8 lowing new paragraphs:

9 “(15) Coordinating with the Director of Small
10 Business Programs on all matters related to indus-
11 trial base policy of the Department of Defense.

12 “(16) Ensuring reliable sources of materials
13 critical to national security, such as specialty metals,
14 armor plate, and rare earth elements.

15 “(17) Establishing policies of the Department
16 of Defense for continued reliable resource availability
17 from secure sources for the industrial base of the
18 United States.”.

19 (b) MATERIALS CRITICAL TO NATIONAL SECURITY
20 DEFINED.—Section 139c of such title is further amended
21 by adding at the end the following new subsection:

22 “(d) MATERIALS CRITICAL TO NATIONAL SECURITY
23 DEFINED.—In this section, the term ‘materials critical to
24 national security’ has the meaning given that term in sec-
25 tion 187(e)(1) of this title.”.

1 (c) AMENDMENTS TO STRATEGIC MATERIALS PRO-
2 TECTION BOARD.—

3 (1) MEMBERSHIP.—Paragraph (2) of section
4 187(a) of such title is amended to read as follows:

5 “(2) The Board shall be composed of the following:

6 “(A) The Deputy Assistant Secretary of De-
7 fense for Manufacturing and Industrial Base Policy,
8 who shall be the chairman of the Board.

9 “(B) The Administrator of the Defense Logis-
10 tics Agency Strategic Materials, or any successor or-
11 ganization, who shall be the vice chairman of the
12 Board.

13 “(C) A designee of the Assistant Secretary of
14 the Army for Acquisition, Logistics, and Technology.

15 “(D) A designee of the Assistant Secretary of
16 the Navy for Research, Development, and Acquisi-
17 tion.

18 “(E) A designee of the Assistant Secretary of
19 the Air Force for Acquisition.”.

20 (2) DUTIES.—Paragraphs (3) and (4) of sec-
21 tion 187(b) of such title are each amended by strik-
22 ing “President” and inserting “Secretary”.

23 (3) MEETINGS.—Section 187(c) of such title is
24 amended by striking “Secretary of Defense” and in-

1 the Office of the Secretary of Defense as the prin-
2 cipal official of the Department of Defense respon-
3 sible for leading the Department's actions on urgent
4 operational needs and rapid acquisition, in accord-
5 ance with this section.

6 (2) STAFF AND RESOURCES.—The Secretary
7 shall assign to the senior official designated under
8 paragraph (1) appropriate staff and resources nec-
9 essary to carry out the official's functions under this
10 section.

11 (b) RESPONSIBILITIES.—The senior official des-
12 ignated under subsection (a) shall be responsible for the
13 following:

14 (1) Acting as an advocate within the Depart-
15 ment of Defense for issues related to the Depart-
16 ment's ability to rapidly respond to urgent oper-
17 ational needs, including programs funded and car-
18 ried out by the military departments.

19 (2) Improving visibility of urgent operational
20 needs throughout the Department, including across
21 the military departments, the Defense Agencies, and
22 all other entities and processes in the Department
23 that address urgent operational needs.

24 (3) Ensuring that tools and mechanisms are
25 used to track, monitor, and manage the status of ur-

1 gent operational needs within the Department, from
2 validation through procurement and fielding, includ-
3 ing a formal feedback mechanism for the Armed
4 Forces to provide information on how well fielded so-
5 lutions are meeting urgent operational needs.

6 (c) **URGENT OPERATIONAL NEEDS DEFINED.**—In
7 this section, the term “urgent operational needs” means
8 capabilities that are determined by the Secretary of De-
9 fense, pursuant to the review process required by section
10 804(b) of the Ike Skelton National Defense Authorization
11 Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be
12 suitable for rapid fielding in response to urgent oper-
13 ational needs.

14 **SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE**
15 **SENIOR OFFICIAL FOR ENTERPRISE RE-**
16 **SOURCE PLANNING SYSTEM DATA CONVER-**
17 **SION.**

18 Not later than 90 days after the date of the enact-
19 ment of this Act, the Secretary of Defense shall—

20 (1) designate a senior official of the Depart-
21 ment of Defense as the official with principal re-
22 sponsibility for coordination and management over-
23 sight of data conversion for all enterprise resource
24 planning systems of the Department; and

1 (2) set forth the responsibilities of that senior
2 official with respect to such data conversion.

3 **SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES**
4 **FOR DEPUTY ASSISTANT SECRETARY OF DE-**
5 **FENSE FOR DEVELOPMENTAL TEST AND**
6 **EVALUATION.**

7 (a) **DIRECT COMMUNICATION.**—Section 139b(a)(3)
8 of title 10, United States Code, is amended by striking
9 “to the Under Secretary” before the period and inserting
10 “to the Under Secretary. The Deputy Assistant Secretary
11 may communicate views on matters within the responsi-
12 bility of the Deputy Assistant Secretary directly to the
13 Under Secretary without obtaining the approval or concur-
14 rence of any other official within the Department of De-
15 fense”.

16 (b) **DUTIES.**—Section 139b(a)(5) of such title is
17 amended—

18 (1) in subparagraph (A)(i), by striking “in the
19 Department of Defense” and inserting “in the mili-
20 tary departments and other elements of the Depart-
21 ment of Defense”;

22 (2) in subparagraph (B), by striking “review
23 and approve” and inserting “review and approve or
24 disapprove”;

1 (3) in subparagraph (C), by striking “pro-
2 grams” and inserting “programs (including the ac-
3 tivities of chief developmental testers and lead devel-
4 opmental test evaluation organizations designated in
5 accordance with subsection (c))”;

6 (4) in subparagraph (E), by striking “and”
7 after the semicolon at the end; and

8 (5) by redesignating subparagraph (F) as sub-
9 paragraph (G) and by inserting after subparagraph
10 (E) the following new subparagraph (F):

11 “(F) in consultation with the Assistant
12 Secretary of Defense for Research and Engi-
13 neering, assess the technological maturity and
14 integration risk of critical technologies at key
15 stages in the acquisition process; and”.

16 (c) CONCURRENT SERVICE.—Section 139b(a)(7) of
17 such title is amended by striking “may” and inserting
18 “shall”.

19 (d) RESOURCES.—Section 139b(a) of such title is
20 amended by adding at the end the following new para-
21 graph:

22 “(8) RESOURCES.—

23 “(A) The President shall include in the
24 budget transmitted to Congress, pursuant to
25 section 1105 of title 31, for each fiscal year, a

1 separate statement of estimated expenditures
2 and proposed appropriations for the fiscal year
3 for the activities of the Deputy Assistant Sec-
4 retary of Defense for Developmental Test and
5 Evaluation in carrying out the duties and re-
6 sponsibilities of the Deputy Assistant Secretary
7 under this section.

8 “(B) The Deputy Assistant Secretary of
9 Defense for Developmental Test and Evaluation
10 shall have sufficient professional staff of mili-
11 tary and civilian personnel to enable the Deputy
12 Assistant Secretary to carry out the duties and
13 responsibilities prescribed by law.”.

14 (e) CONSULTATIONS RELATING TO TECHNOLOGICAL
15 READINESS.—

16 (1) CONSULTATION ON REPORT ON CRITICAL
17 TECHNOLOGIES.—Section 138b(b)(2) of such title is
18 amended by striking “The Assistant Secretary shall
19 submit” and inserting “The Assistant Secretary, in
20 consultation with the Deputy Assistant Secretary of
21 Defense for Developmental Test and Evaluation,
22 shall submit”.

23 (2) CONSULTATION DURING CERTIFICATION
24 PROCESS FOR MAJOR DEFENSE ACQUISITION PRO-
25 GRAMS.—Section 2366b(a)(3)(D) of such title is

1 amended by striking “the Assistant Secretary of De-
2 fense for Research and Engineering” and inserting
3 “the Assistant Secretary of Defense for Research
4 and Engineering, in consultation with the Deputy
5 Assistant Secretary of Defense for Developmental
6 Test and Evaluation”.

7 (f) DUTIES OF CHIEF DEVELOPMENTAL TESTER
8 AND LEAD DEVELOPMENTAL TEST AND EVALUATION OR-
9 GANIZATION.—Section 139b(c) of such title is amended—

10 (1) in paragraph (2), by striking “shall be re-
11 sponsible for” and inserting “, consistent with poli-
12 cies and guidance issued pursuant to subsection
13 (a)(5)(A), shall be responsible for”;

14 (2) in paragraph (3), by striking “shall be re-
15 sponsible for” and inserting “, consistent with poli-
16 cies and guidance issued pursuant to subsection
17 (a)(5)(A), shall be responsible for”; and

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

20 “(4) TRANSMITTAL OF RECORDS AND DATA.—
21 The chief developmental tester and the lead develop-
22 mental test and evaluation organization for a major
23 defense acquisition program shall promptly transmit
24 to the Deputy Assistant Secretary of Defense for
25 Developmental Test and Evaluation any records or

1 data relating to the program that are requested by
2 the Deputy Assistant Secretary, as provided in sub-
3 section (a)(6).”.

4 (g) ANNUAL REPORT.—Section 139b(d) of such title
5 is amended—

6 (1) in the subsection heading, by striking
7 “JOINT”;

8 (2) by redesignating paragraphs (1), (2), (3),
9 and (4) as subparagraphs (A), (B), (C), and (D), re-
10 spectively, and moving each subparagraph (as so re-
11 designated) two ems to the right;

12 (3) by striking “Not later than March 31” and
13 inserting:

14 “(1) IN GENERAL.—Not later than March 31”;

15 (4) in the matter appearing before subpara-
16 graph (A), as so redesignated, by striking “jointly”
17 and inserting “each”; and

18 (5) by adding at the end the following new
19 paragraph:

20 “(2) ADDITIONAL REQUIREMENTS FOR REPORT
21 BY DEPUTY ASSISTANT SECRETARY OF DEFENSE
22 FOR DEVELOPMENTAL TEST AND EVALUATION.—

23 With respect to the report required under paragraph
24 (1) by the Deputy Assistant Secretary of Defense

1 for Developmental Test and Evaluation, the report
2 shall include—

3 “(A) a separate section that covers the ac-
4 tivities of the Department of Defense Test Re-
5 source Management Center (established under
6 section 196 of this title) during the preceding
7 year; and

8 “(B) a separate section that addresses the
9 adequacy of the resources available to the Dep-
10 uty Assistant Secretary of Defense for Develop-
11 mental Test and Evaluation and to the lead de-
12 velopmental test and evaluation organizations of
13 the military departments to carry out the re-
14 sponsibilities prescribed by this section.”.

15 (h) REPORTS TO CONGRESS ON FAILURE TO COM-
16 PLY WITH RECOMMENDATIONS.—

17 (1) REPORT REQUIRED.—Not later than 60
18 days after the end of each fiscal year, from fiscal
19 year 2013 through fiscal year 2018, the Under Sec-
20 retary of Defense for Acquisition, Technology, and
21 Logistics shall submit to the congressional defense
22 committees a report on each case in which a major
23 defense acquisition program, in the preceding fiscal
24 year—

1 (A) proceeded to implement a test and
2 evaluation master plan notwithstanding a deci-
3 sion of the Deputy Assistant Secretary of De-
4 fense for Developmental Test and Evaluation to
5 disapprove the developmental test and evalua-
6 tion plan within that plan in accordance with
7 section 139b(a)(5)(B) of title 10, United States
8 Code; or

9 (B) proceeded to initial operational testing
10 and evaluation notwithstanding a determination
11 by the Deputy Assistant Secretary of Defense
12 for Developmental Test and Evaluation on the
13 basis of an assessment of operational test readi-
14 ness that the program is not ready for oper-
15 ational testing.

16 (2) MATTERS COVERED.—

17 (A) For each program covered by para-
18 graph (1)(A), the report shall include the fol-
19 lowing:

20 (i) A description of the specific as-
21 pects of the developmental test and evalua-
22 tion plan that the Deputy Assistant Sec-
23 retary determined to be inadequate.

24 (ii) An explanation of the reasons why
25 the program disregarded the Deputy As-

1 sistant Secretary's recommendations with
2 regard to those aspects of the develop-
3 mental test and evaluation plan.

4 (iii) The steps taken to address those
5 aspects of the developmental test and eval-
6 uation plan and address the concerns of
7 the Deputy Assistant Secretary.

8 (B) For each program covered by para-
9 graph (1)(B), the report shall include the fol-
10 lowing:

11 (i) An explanation of the reasons why
12 the program proceeded to initial oper-
13 ational testing and evaluation notwith-
14 standing the findings of the assessment of
15 operational test readiness.

16 (ii) A description of the aspects of the
17 approved testing and evaluation master
18 plan that had to be set aside to enable the
19 program to proceed to initial operational
20 testing and evaluation.

21 (iii) A description of how the program
22 addressed the specific areas of concern
23 raised in the assessment of operational test
24 readiness.

1 (iv) A statement of whether initial
2 operational testing and evaluation identi-
3 fied any significant shortcomings in the
4 program.

5 (3) ADDITIONAL CONGRESSIONAL NOTIFICA-
6 TION.—Not later than 30 days after any decision to
7 conduct developmental testing on a major defense
8 acquisition program without an approved test and
9 evaluation master plan in place, the Under Secretary
10 of Defense for Acquisition, Technology, and Logis-
11 tics shall provide to the congressional defense com-
12 mittees a written explanation of the basis for the de-
13 cision and a timeline for getting an approved plan
14 in place.

15 **SEC. 905. DEFINITION AND REPORT ON TERMS “PREPARA-**
16 **TION OF THE ENVIRONMENT” AND “OPER-**
17 **ATIONAL PREPARATION OF THE ENVIRON-**
18 **MENT” FOR JOINT DOCTRINE PURPOSES.**

19 (a) DEFINITIONS REQUIRED.—Not later than 90
20 days after the date of the enactment of this Act, the Sec-
21 retary of Defense shall define for purposes of joint doc-
22 trine the following terms:

- 23 (1) The term “preparation of the environment”.
- 24 (2) The term “operational preparation of the
25 environment”.

1 (b) REPORT REQUIRED.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this Act, the Sec-
4 retary shall submit to the Committees on Armed
5 Services of the Senate and the House of Representa-
6 tives a report on the terms defined under subsection

7 (a). The report shall include the following:

8 (A) The definition of the term “prepara-
9 tion of the environment” pursuant to subsection
10 (a).

11 (B) Examples of activities meeting the def-
12 inition of the term “preparation of the environ-
13 ment” by special operations forces and general
14 purpose forces.

15 (C) The definition of the term “operational
16 preparation of the environment” pursuant to
17 subsection (a).

18 (D) Examples of activities meeting the def-
19 inition of the term “operational preparation of
20 the environment” by special operations forces
21 and general purpose forces.

22 (E) An assessment of the appropriate roles
23 of special operations forces and general purpose
24 forces in conducting activities meeting the defi-
25 nition of the term “preparation of the environ-

1 ment” and the definition of the term “oper-
2 ational preparation of the environment”.

3 (2) FORM.—The report required by paragraph
4 (1) shall be submitted in unclassified form, but may
5 include a classified annex.

6 **SEC. 906. INFORMATION FOR DEPUTY CHIEF MANAGEMENT**
7 **OFFICER OF THE DEPARTMENT OF DEFENSE**
8 **FROM THE MILITARY DEPARTMENTS AND DE-**
9 **ENSE AGENCIES FOR DEFENSE BUSINESS**
10 **SYSTEM INVESTMENT REVIEWS.**

11 Section 2222(g) of title 10, United States Code, is
12 amended by adding at the end the following new para-
13 graph:

14 “(3)(A) The investment management process re-
15 quired by paragraph (1) shall include requirements for the
16 military departments and the Defense Agencies to make
17 available to the Deputy Chief Management Officer such
18 information on covered defense business system programs
19 and other business functions as the Deputy Chief Manage-
20 ment Officer shall require for the review of defense busi-
21 ness system programs under the process. Such informa-
22 tion shall be made available to the Deputy Chief Manage-
23 ment Officer through existing data sources or in a stand-
24 ardized format established by the Deputy Chief Manage-
25 ment Officer for purposes of this paragraph.”.

1 **Subtitle B—Space Activities**

2 **SEC. 911. REPORTS ON INTEGRATION OF ACQUISITION AND**
3 **CAPABILITY DELIVERY SCHEDULES FOR SEG-**
4 **MENTS OF MAJOR SATELLITE ACQUISITION**
5 **PROGRAMS AND FUNDING FOR SUCH PRO-**
6 **GRAMS.**

7 (a) IN GENERAL.—Chapter 135 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 2275. Reports on integration of acquisition and ca-**
11 **pability delivery schedules for segments**
12 **of major satellite acquisition programs**
13 **and funding for such programs**

14 “(a) REPORTS REQUIRED.—The Under Secretary of
15 Defense for Acquisition, Technology, and Logistics shall
16 submit to the congressional defense committees a report
17 on each major satellite acquisition program in accordance
18 with subsection (d) that assesses—

19 “(1) the integration of the schedules for the ac-
20 quisition and the delivery of the capabilities of the
21 segments for the program; and

22 “(2) funding for the program.

23 “(b) ELEMENTS.—Each report required by sub-
24 section (a) with respect to a major satellite acquisition
25 program shall include the following:

1 “(1) The amount of funding approved for the
2 program and for each segment of the program that
3 is necessary for full operational capability of the pro-
4 gram.

5 “(2) The dates by which the program and each
6 segment of the program is anticipated to reach ini-
7 tial and full operational capability.

8 “(3) A description of the intended primary ca-
9 pabilities and key performance parameters of the
10 program.

11 “(4) An assessment of the extent to which the
12 schedules for the acquisition and the delivery of the
13 capabilities of the segments for the program or any
14 related program referred to in paragraph (1) are in-
15 tegrated.

16 “(5) If the Under Secretary determines pursu-
17 ant to the assessment under paragraph (4) that the
18 program is a non-integrated program, an identifica-
19 tion of—

20 “(A) the impact on the mission of the pro-
21 gram of having the delivery of the segment ca-
22 pabilities of the program more than one year
23 apart;

24 “(B) the measures the Under Secretary is
25 taking or is planning to take to improve the in-

1 tegration of the acquisition and delivery sched-
2 ules of the segment capabilities; and

3 “(C) the risks and challenges that impede
4 the ability of the Department of Defense to
5 fully integrate those schedules.

6 “(c) CONSIDERATION BY MILESTONE DECISION AU-
7 THORITY.—The Milestone Decision Authority shall include
8 the report required by subsection (a) with respect to a
9 major satellite acquisition program as part of the docu-
10 mentation used to approve the acquisition of the program.

11 “(d) SUBMITTAL OF REPORTS.—(1) In the case of
12 a major satellite acquisition program initiated before the
13 date of the enactment of the National Defense Authoriza-
14 tion Act for Fiscal Year 2013, the Under Secretary shall
15 submit the report required by subsection (a) with respect
16 to the program not later than one year after such date
17 of enactment.

18 “(2) In the case of a major satellite acquisition pro-
19 gram initiated on or after the date of the enactment of
20 the National Defense Authorization Act for Fiscal Year
21 2013, the Under Secretary shall submit the report re-
22 quired by subsection (a) with respect to the program at
23 the time of the Milestone B approval of the program.

24 “(e) NOTIFICATION TO CONGRESS OF NON-INTE-
25 GRATED ACQUISITION AND CAPABILITY DELIVERY

1 SCHEDULES.—If, after submitting the report required by
2 subsection (a) with respect to a major satellite acquisition
3 program, the Under Secretary determines that the pro-
4 gram is a non-integrated program, the Under Secretary
5 shall, not later than 30 days after making that determina-
6 tion, submit to the congressional defense committees a re-
7 port—

8 “(1) notifying the committees of that deter-
9 mination; and

10 “(2) identifying—

11 “(A) the impact on the mission of the pro-
12 gram of having the delivery of the segment ca-
13 pabilities of the program more than one year
14 apart;

15 “(B) the measures the Under Secretary is
16 taking or is planning to take to improve the in-
17 tegration of the acquisition and delivery sched-
18 ules of the segment capabilities; and

19 “(C) the risks and challenges that impede
20 the ability of the Department of Defense to
21 fully integrate those schedules.

22 “(f) ANNUAL UPDATES FOR NON-INTEGRATED PRO-
23 GRAMS.—

24 “(1) REQUIREMENT.—For each major satellite
25 acquisition program that the Under Secretary has

1 determined under subsection (b)(5) or subsection (e)
2 is a non-integrated program, the Under Secretary
3 shall annually submit to Congress, at the same time
4 the budget of the President for a fiscal year is sub-
5 mitted under section 1105 of title 31, an update to
6 the report required by subsection (a) for such pro-
7 gram.

8 “(2) TERMINATION OF REQUIREMENT.—The
9 requirement to submit an annual report update for
10 a program under paragraph (1) shall terminate on
11 the date on which the Under Secretary submits to
12 the congressional defense committees notice that the
13 Under Secretary has determined that such program
14 is no longer a non-integrated program, or on the
15 date that is five years after the date on which the
16 initial report update required under paragraph (1) is
17 submitted, whichever is earlier.

18 “(3) GAO REVIEW OF CERTAIN NON-INTE-
19 GRATED PROGRAMS.—If at the time of the termi-
20 nation of the requirement to annually update a re-
21 port for a program under paragraph (1) the Under
22 Secretary has not provided notice to the congress-
23 sional defense committees that the Under Secretary
24 has determined that the program is no longer a non-
25 integrated program, the Comptroller General shall

1 conduct a review of such program and submit the
2 results of such review to the congressional defense
3 committees.

4 “(g) DEFINITIONS.—In this section:

5 “(1) SEGMENTS.—The term ‘segments’, with
6 respect to a major satellite acquisition program, re-
7 fers to any satellites acquired under the program
8 and the ground equipment and user terminals nec-
9 essary to fully exploit the capabilities provided by
10 those satellites.

11 “(2) MAJOR SATELLITE ACQUISITION PRO-
12 GRAM.—The term ‘major satellite acquisition pro-
13 gram’ means a major defense acquisition program
14 (as defined in section 2430 of this title) for the ac-
15 quisition of a satellite.

16 “(3) MILESTONE B APPROVAL.—The term
17 ‘Milestone B approval’ has the meaning given that
18 term in section 2366(e)(7) of this title.

19 “(4) NON-INTEGRATED PROGRAM.—The term
20 ‘non-integrated program’ means a program with re-
21 spect to which the schedules for the acquisition and
22 the delivery of the capabilities of the segments for
23 the program, or a related program that is necessary
24 for the operational capability of the program, pro-
25 vide for the acquisition or the delivery of the capa-

1 bilities of at least two of the three segments for the
2 program or related program more than one year
3 apart.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 135 of such title is amended
6 by adding at the end the following new item:

“2275. Reports on integration of acquisition and capability delivery schedules
for segments of major satellite acquisition programs and fund-
ing for such programs.”.

7 **SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.**

8 (a) IN GENERAL.—Chapter 135 of title 10, United
9 States Code, as amended by section 911 of this Act, is
10 further amended by adding at the end the following new
11 section:

12 **“§ 2276. Commercial space launch cooperation**

13 “(a) AUTHORITY.—The Secretary of Defense may
14 take such actions as the Secretary considers to be in the
15 best interest of the Federal Government to—

16 “(1) maximize the use of the capacity of the
17 space transportation infrastructure of the Depart-
18 ment of Defense by the private sector in the United
19 States;

20 “(2) maximize the effectiveness and efficiency
21 of the space transportation infrastructure of the De-
22 partment of Defense;

23 “(3) reduce the cost of services provided by the
24 Department of Defense related to space transpor-

1 tation infrastructure at launch support facilities and
2 space recovery support facilities;

3 “(4) encourage commercial space activities by
4 enabling investment by covered entities in the space
5 transportation infrastructure of the Department of
6 Defense; and

7 “(5) foster cooperation between the Department
8 of Defense and covered entities.

9 “(b) AUTHORITY FOR CONTRACTS AND OTHER
10 AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-
11 FRAStructure.—The Secretary of Defense—

12 “(1) may enter into an agreement with a cov-
13 ered entity to provide the covered entity with sup-
14 port and services related to the space transportation
15 infrastructure of the Department of Defense; and

16 “(2) upon the request of such covered entity,
17 may include such support and services in the space
18 launch and reentry range support requirements of
19 the Department of Defense if—

20 “(A) the Secretary determines that the in-
21 clusion of such support and services in such re-
22 quirements—

23 “(i) is in the best interest of the Fed-
24 eral Government;

1 “(ii) does not interfere with the re-
2 quirements of the Department of Defense;
3 and

4 “(iii) does not compete with the com-
5 mercial space activities of other covered en-
6 tities, unless that competition is in the na-
7 tional security interests of the United
8 States; and

9 “(B) any commercial requirement included
10 in the agreement has full non-Federal funding
11 before the execution of the agreement.

12 “(c) CONTRIBUTIONS.—

13 “(1) IN GENERAL.—The Secretary of Defense
14 may enter into an agreement with a covered entity
15 on a cooperative and voluntary basis to accept con-
16 tributions of funds, services, and equipment to carry
17 out this section.

18 “(2) USE OF CONTRIBUTIONS.—Any funds,
19 services, or equipment accepted by the Secretary
20 under this subsection—

21 “(A) may be used only for the objectives
22 specified in this section in accordance with
23 terms of use set forth in the agreement entered
24 into under this subsection; and

1 “(B) shall be managed by the Secretary in
2 accordance with regulations of the Department
3 of Defense.

4 “(3) REQUIREMENTS WITH RESPECT TO
5 AGREEMENTS.—An agreement entered into with a
6 covered entity under this subsection—

7 “(A) shall address the terms of use, owner-
8 ship, and disposition of the funds, services, or
9 equipment contributed pursuant to the agree-
10 ment; and

11 “(B) shall include a provision that the cov-
12 ered entity will not recover the costs of its con-
13 tribution through any other agreement with the
14 United States.

15 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
16 COUNT.—

17 “(1) ESTABLISHMENT.—There is established in
18 the Treasury of the United States a special account
19 to be known as the ‘Defense Cooperation Space
20 Launch Account’.

21 “(2) CREDITING OF FUNDS.—Funds received
22 by the Secretary of Defense under subsection (c)
23 shall be credited to the Defense Cooperation Space
24 Launch Account.

1 “(3) USE OF FUNDS.—Funds deposited in the
2 Defense Cooperation Space Launch Account under
3 paragraph (2) are authorized to be appropriated and
4 shall be available for obligation only to the extent
5 provided in advance in an appropriation Act for
6 costs incurred by the Department of Defense in car-
7 rying out subsection (b). Funds in the Account shall
8 remain available until expended.

9 “(e) ANNUAL REPORT.—Not later than January 31
10 of each year, the Secretary of Defense shall submit to the
11 congressional defense committees a report on the funds,
12 services, and equipment accepted and used by the Sec-
13 retary under this section during the preceding fiscal year.

14 “(f) REGULATIONS.—The Secretary of Defense shall
15 prescribe regulations to carry out this section.

16 “(g) DEFINITIONS.—In this section:

17 “(1) COVERED ENTITY.—The term ‘covered en-
18 tity’ means a non-Federal entity that—

19 “(A) is organized under the laws of the
20 United States or of any jurisdiction within the
21 United States; and

22 “(B) is engaged in commercial space ac-
23 tivities.

1 representatives, and the Select Committee on Intel-
2 ligence of the Senate a certification that such agree-
3 ment has no legally-binding effect or basis for lim-
4 iting the activities of the United States in outer
5 space; and

6 (2) the Secretary of Defense, the Chairman of
7 the Joint Chiefs of Staff, and the Director of Na-
8 tional Intelligence shall jointly submit to the con-
9 gressional defense committees a certification that
10 such agreement will be equitable, enhance national
11 security, and have no militarily significant impact on
12 the ability of the United States to conduct military
13 or intelligence activities in space.

14 (b) BRIEFINGS AND NOTIFICATIONS REQUIRED.—

15 (1) RESTATEMENT OF POLICY FORMULATION
16 UNDER THE ARMS CONTROL AND DISARMAMENT ACT
17 WITH RESPECT TO OUTER SPACE.—No action shall
18 be taken that would obligate the United States to re-
19 duce or limit the Armed Forces or armaments of the
20 United States in outer space in a militarily signifi-
21 cant manner, except pursuant to the treaty-making
22 power of the President set forth in Article II, Sec-
23 tion 2, Clause II of the Constitution or unless au-
24 thorized by the enactment of further affirmative leg-
25 islation by the Congress of the United States.

1 (2) BRIEFINGS.—

2 (A) REQUIREMENT.—The Secretary of De-
3 fense, the Secretary of State, and the Director
4 of National Intelligence shall jointly provide to
5 the covered congressional committees regular,
6 detailed updates on the negotiation of a non-le-
7 gally binding international agreement con-
8 cerning an International Code of Conduct for
9 Outer Space Activities or any similar agree-
10 ment.

11 (B) TERMINATION OF REQUIREMENT.—
12 The requirement to provide regular briefings
13 under subparagraph (A) shall terminate on the
14 date on which the United States becomes a sig-
15 natory to an agreement referred to in subpara-
16 graph (A), or on the date on which the Presi-
17 dent certifies to Congress that the United
18 States is no longer negotiating an agreement
19 referred to in subparagraph (A), whichever is
20 earlier.

21 (3) NOTIFICATIONS.—If the United States be-
22 comes a signatory to a non-legally binding inter-
23 national agreement concerning an International
24 Code of Conduct for Outer Space Activities or any
25 similar agreement, not less than 60 days prior to

1 any action that will obligate the United States to re-
2 duce or limit the Armed Forces or armaments or ac-
3 tivities of the United States in outer space, the head
4 of each Department or agency of the Federal Gov-
5 ernment that is affected by such action shall submit
6 to Congress notice of such action and the effect of
7 such action on such Department or agency.

8 (4) DEFINITION.—In this subsection, the term
9 “covered congressional committees” means—

10 (A) the Committee on Armed Services, the
11 Committee on Foreign Affairs, and the Perma-
12 nent Select Committee on Intelligence of the
13 House of Representatives; and

14 (B) the Committee on Armed Services, the
15 Committee on Foreign Relations, and the Select
16 Committee on Intelligence of the Senate.

17 (c) REPORT ON FOREIGN COUNTER-SPACE PRO-
18 GRAMS.—

19 (1) REPORT REQUIRED.—Chapter 135 of title
20 10, United States Code, as amended by section 912
21 of this Act, is further amended by adding at the end
22 the following new section:

23 **“§ 2277. Report on foreign counter-space programs**

24 “(a) REPORT REQUIRED.—Not later than January 1
25 of each year, the Secretary of Defense and the Director

1 of National Intelligence shall jointly submit to Congress
2 a report on the counter-space programs of foreign coun-
3 tries.

4 “(b) CONTENTS.—Each report required under sub-
5 section (a) shall include—

6 “(1) an explanation of whether any foreign
7 country has a counter-space program that could be
8 a threat to the national security or commercial space
9 systems of the United States; and

10 “(2) the name of each country with a counter-
11 space program described in paragraph (1).

12 “(c) FORM.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graphs (2) and (3), each report required under sub-
15 section (a) shall be submitted in unclassified form.

16 “(2) CLASSIFIED ANNEX.—The Secretary of
17 Defense and the Director of National Intelligence
18 may submit to the covered congressional committees
19 a classified annex to a report required under sub-
20 section (a) containing any classified information re-
21 quired to be submitted for such report.

22 “(3) FOREIGN COUNTRY NAMES.—

23 “(A) UNCLASSIFIED FORM.—Subject to
24 subparagraph (B), each report required under
25 subsection (a) shall include the information re-

1 required under subsection (b)(2) in unclassified
2 form.

3 “(B) NATIONAL SECURITY WAIVER.—The
4 Secretary of Defense and the Director of Na-
5 tional Intelligence may waive the requirement
6 under subparagraph (A) if the Secretary and
7 the Director of National Intelligence jointly de-
8 termine it is in the interests of national security
9 to waive such requirement and submits to Con-
10 gress an explanation of why the Secretary and
11 the Director waived such requirement.

12 “(d) COVERED CONGRESSIONAL COMMITTEES DE-
13 FINED.—In this section, the term ‘covered congressional
14 committees’ means the Committee on Armed Services and
15 the Permanent Select Committee on Intelligence of the
16 House of Representatives and the Committee on Armed
17 Services and the Select Committee on Intelligence of the
18 Senate.”.

19 (2) CLERICAL AMENDMENT.—The table of sec-
20 tions at the beginning of chapter 135 of title 10,
21 United States Code, as so amended, is further
22 amended by adding at the end the following new
23 item:

“2277. Report on foreign counter-space programs.”.

1 **SEC. 914. OPERATIONALLY RESPONSIVE SPACE PROGRAM**

2 **OFFICE.**

3 (a) IN GENERAL.—Subsection (a) of section 2273a
4 of title 10, United States Code, is amended to read as
5 follows:

6 “(a) IN GENERAL.—There is within the Air Force
7 Space and Missile Systems Center of the Department of
8 Defense a joint program office known as the Operationally
9 Responsive Space Program Office (in this section referred
10 to as the ‘Office’). The facilities of the Office may not
11 be co-located with the headquarters facilities of the Air
12 Force Space and Missile Systems Center.”.

13 (b) HEAD OF OFFICE.—Subsection (b) of such sec-
14 tion is amended by striking “shall be—” and all that fol-
15 lows and inserting “shall be the designee of the Depart-
16 ment of Defense Executive Agent for Space. The head of
17 the Office shall report to the Commander of the Air Force
18 Space and Missile Systems Center.”.

19 (c) MISSION.—Subsection (c)(1) of such section is
20 amended by striking “spacelift” and inserting “launch”.

21 (d) SENIOR ACQUISITION EXECUTIVE.—Paragraph
22 (1) of subsection (e) of such section is amended to read
23 as follows:

24 “(1) The Program Executive Officer for Space
25 shall be the Acquisition Executive of the Office and

1 shall provide streamlined acquisition authorities for
2 projects of the Office.”.

3 (e) EXECUTIVE COMMITTEE.—Such section is fur-
4 ther amended by adding at the end the following new sub-
5 section:

6 “(g) EXECUTIVE COMMITTEE.—(1) The Secretary of
7 Defense shall establish for the Office an Executive Com-
8 mittee (to be known as the ‘Operationally Responsive
9 Space Executive Committee’) to provide coordination,
10 oversight, and approval of projects of the Office.

11 “(2) The Executive Committee shall consist of the of-
12 ficials (and their duties) as follows:

13 “(A) The Department of Defense Executive
14 Agent for Space, who shall serve as Chair of the Ex-
15 ecutive Committee and provide oversight,
16 prioritization, coordination, and resources for the
17 Office.

18 “(B) The Under Secretary of Defense for Ac-
19 quisition, Technology, and Logistics, who shall pro-
20 vide coordination and oversight of the Office and
21 recommend funding sources for programs of the Of-
22 fice that exceed the approved program baseline.

23 “(C) The Commander of the United States
24 Strategic Command, who shall validate requirements
25 for systems to be acquired by the Office and partici-

1 pate in approval of any acquisition program initiated
2 by the Office.

3 “(D) The Commander of the Air Force Space
4 Command, the Commander of the Army Space and
5 Missile Defense Command, and the Commander of
6 the Space and Naval Warfare Systems Command,
7 who shall jointly organize, train, and equip forces to
8 support the acquisition programs of the Office.

9 “(E) Such other officials (and their duties) as
10 the Secretary of Defense considers appropriate.”.

11 **SEC. 915. REPORT ON OVERHEAD PERSISTENT INFRARED**
12 **TECHNOLOGY.**

13 (a) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary of Defense,
15 in consultation with the Director of National Intelligence,
16 shall submit to the congressional defense committees, the
17 Permanent Select Committee on Intelligence of the House
18 of Representatives, and the Select Committee on Intel-
19 ligence of the Senate a report on overhead persistent infra-
20 red technology that includes—

21 (1) an identification of the comprehensive over-
22 head persistent infrared technology requirements of
23 the Department of Defense and the intelligence com-
24 munity;

1 (2) a description of the strategy, plan, and
2 budget for the space layer, with supporting ground
3 architecture, including key decision points for the
4 current and next generation overhead persistent in-
5 frared technology with respect to missile warning,
6 missile defense, battlespace awareness, and technical
7 intelligence;

8 (3) an assessment of whether there are further
9 opportunities for the Department of Defense and the
10 intelligence community to capitalize on increased
11 data sharing, fusion, interoperability, and exploi-
12 tation;

13 (4) recommendations on how to better coordi-
14 nate the efforts by the Department and the intel-
15 ligence community to exploit overhead persistent in-
16 frared sensor data; and

17 (5) any other relevant information that the Sec-
18 retary considers necessary.

19 (b) **COMPTROLLER GENERAL ASSESSMENT.**—Not
20 later than 90 days after the date on which the Secretary
21 of Defense submits the report required under subsection
22 (a), the Comptroller General of the United States shall
23 submit to the congressional defense committees an assess-
24 ment of the report required under subsection (a), includ-
25 ing—

1 (1) an assessment of whether such report is
2 comprehensive, fully supported, and sufficiently de-
3 tailed; and

4 (2) an identification of any shortcomings, limi-
5 tations, or other reportable matters that affect the
6 quality or findings of the report required under sub-
7 section (a).

8 (c) INTELLIGENCE COMMUNITY DEFINED.—In this
9 section, the term “intelligence community” has the mean-
10 ing given that term in section 3(4) of the National Secu-
11 rity Act of 1947 (50 U.S.C. 401a(4)).

12 **SEC. 916. ASSESSMENT OF FOREIGN COMPONENTS AND**
13 **THE SPACE LAUNCH CAPABILITY OF THE**
14 **UNITED STATES.**

15 (a) ASSESSMENT.—The Under Secretary of Defense
16 for Acquisition, Technology, and Logistics shall conduct
17 an independent assessment of the national security impli-
18 cations of continuing to use foreign component and pro-
19 pulsion systems for the launch vehicles under the evolved
20 expendable launch vehicle program.

21 (b) REPORT.—Not later than 180 days after the date
22 of the enactment of this Act, the Under Secretary of De-
23 fense for Acquisition, Technology, and Logistics shall sub-
24 mit to the congressional defense committees a report on
25 the assessment conducted under subsection (a).

1 **SEC. 917. REPORT ON COUNTER SPACE TECHNOLOGY.**

2 (a) REPORT.—Not later than one year after the date
3 of the enactment of this Act, and annually thereafter for
4 two years, the Secretary of Defense shall submit to the
5 congressional defense committees, the Committee on For-
6 eign Affairs of the House of Representatives, and the
7 Committee on Foreign Relations of the Senate a report
8 based on all available information (including the Counter
9 Space Technology List of the Department of State) de-
10 scribing key space technologies that could be used, or are
11 being sought, by a foreign country with a counter space
12 or ballistic missile program, and should be subject to ex-
13 port controls by the United States or an ally of the United
14 States, as appropriate.

15 (b) FORM.—Each report required under subsection
16 (a) shall be submitted in unclassified form, but may in-
17 clude a classified annex.

18 **Subtitle C—Intelligence-Related**
19 **Activities**

20 **SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTEL-**
21 **LIGENCE SUPPORT TO CERTAIN SECURITY**
22 **ALLIANCES AND REGIONAL ORGANIZATIONS.**

23 (a) AUTHORIZATION.—Section 443(a) of title 10,
24 United States Code, is amended by striking “foreign coun-
25 tries” and inserting “foreign countries, regional organiza-

1 tions with defense or security components, and security
2 alliances of which the United States is a member”.

3 (b) CLERICAL AMENDMENTS.—

4 (1) SECTION HEADING.—The heading of section
5 443 of title 10, United States Code, is amended by
6 striking “**foreign countries**” and inserting
7 “**foreign countries, regional organiza-**
8 **tions, and security alliances**”.

9 (2) TABLE OF SECTIONS.—The table of sections
10 at the beginning of chapter 22 of title 10, United
11 States Code, is amended by striking the item relat-
12 ing to section 443 and inserting the following new
13 item:

“443. Imagery intelligence and geospatial information: support for foreign coun-
tries, regional organizations, and security alliances.”.

14 (c) REPORTS.—

15 (1) IN GENERAL.—Not later than January 15
16 during each of 2014 and 2015, the Director of the
17 National Geospatial-Intelligence Agency shall submit
18 to the appropriate congressional committees an an-
19 nual report on the imagery intelligence or geospatial
20 information support that the Director provided to a
21 regional organization or security alliance under sec-
22 tion 443(a) of title 10, United States Code, as
23 amended by subsection (a), during the year covered
24 by the report, including an identification of each

1 such organization or alliance and the number of
2 times such organization or alliance received such in-
3 telligence or support.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES DEFINED.—In this subsection, the term “ap-
6 propriate congressional committees” means—

7 (A) the congressional defense committees;
8 and

9 (B) the Permanent Select Committee on
10 Intelligence of the House of Representatives
11 and the Select Committee on Intelligence of the
12 Senate.

13 **SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE**
14 **IN NAME OF NATIONAL DEFENSE INTEL-**
15 **LIGENCE COLLEGE TO NATIONAL INTEL-**
16 **LIGENCE UNIVERSITY.**

17 (a) CONFORMING AMENDMENTS TO REFLECT NAME
18 CHANGE.—Section 2161 of title 10, United States Code,
19 is amended by striking “National Defense Intelligence
20 College” each place it appears and inserting “National In-
21 telligence University”.

22 (b) CLERICAL AMENDMENTS.—

23 (1) SECTION HEADING.—The heading of such
24 section is amended to read as follows:

1 **“§ 2161. Degree granting authority for National Intel-**
2 **ligence University”.**

3 (2) TABLE OF SECTIONS.—The item related to
4 such section in the table of sections at the beginning
5 of chapter 108 of such title is amended to read as
6 follows:

“2161. Degree granting authority for National Intelligence University.”.

7 **SEC. 923. REVIEW OF ARMY DISTRIBUTED COMMON**
8 **GROUND SYSTEM.**

9 (a) REVIEW.—The Secretary of the Army shall direct
10 the Army Systems Acquisition Review Council to—

11 (1) review the Distributed Common Ground
12 System program of the Army; and

13 (2) report the results of such review to the con-
14 gressional defense committees not later than 180
15 days after the date of the enactment of this Act.

16 (b) ELEMENTS.—The review required under sub-
17 section (a) shall include—

18 (1) an assessment of the current acquisition
19 strategy for the Distributed Common Ground Sys-
20 tem program of the Army to determine the relevance
21 of such program to the current and emerging needs
22 of the Army, including evolving technology needs
23 and architectural strategies;

24 (2) an assessment of the current technology
25 performance to meet existing program requirements,

1 including interoperability, net-readiness, and func-
2 tional performance for both cloud-enabled and dis-
3 connected operations;

4 (3) an analysis of competitive procedures that
5 allow new and emerging capabilities, including inte-
6 gration of quick reaction capabilities, to be rapidly
7 integrated into the architecture, including through
8 the use of product fly-offs using standardized, Gov-
9 ernment-provided common data sets that allow for
10 equitable comparisons of capabilities;

11 (4) an analysis of the current technological path
12 to ensure such path incorporates current best prac-
13 tices from industry and is in concert with the emerg-
14 ing needs and requirements of the Joint Information
15 Environment;

16 (5) an assessment of such program to ensure
17 appropriate investments in human systems integra-
18 tion are being made to ensure interface usability;

19 (6) an assessment of such program to ensure
20 enterprise knowledge management and training re-
21 quirements are commensurate with the anticipated
22 force structure of the Army for the decade following
23 the date of the enactment of this Act; and

24 (7) recommendations for any changes that may
25 be needed as a result of the review.

1 **SEC. 924. ELECTRO-OPTICAL IMAGERY.**

2 (a) IDENTIFICATION OF DEPARTMENT OF DEFENSE
3 ELECTRO-OPTICAL SATELLITE IMAGERY REQUIRE-
4 MENTS.—

5 (1) REPORT.—Not later than April 1, 2013, the
6 Chairman of the Joint Requirements Oversight
7 Council shall submit to the Director of the Congres-
8 sional Budget Office a report setting forth a com-
9 prehensive description of Department of Defense
10 peacetime and wartime requirements for electro-opti-
11 cal satellite imagery.

12 (2) SCOPE OF REQUIREMENTS.—The require-
13 ments under paragraph (1) shall—

14 (A) be expressed in such terms as are nec-
15 essary, which may include daily regional and
16 global area coverage and number of point tar-
17 gets, resolution, revisit rates, mean-time to ac-
18 cess, latency, redundancy, survivability, and di-
19 versity; and

20 (B) take into consideration all types of im-
21 agery and collection means available.

22 (b) ASSESSMENT OF IDENTIFIED REQUIREMENTS.—

23 (1) IN GENERAL.—Not later than September
24 15, 2013, the Director of the Congressional Budget
25 Office shall submit to the appropriate committees of

1 Congress a report setting forth an assessment by the
2 Director of the report required by subsection (a).

3 (2) ELEMENTS.—The assessment required by
4 paragraph (1) shall include an assessment of the fol-
5 lowing:

6 (A) The extent to which the requirements
7 of the Department for electro-optical imagery
8 from space can be satisfied by commercial com-
9 panies using either—

10 (i) current designs; or

11 (ii) enhanced designs that could be
12 developed at low risk.

13 (B) The estimated cost and schedule of
14 satisfying such requirements using commercial
15 companies.

16 (3) CONSULTATION AND OTHER RESOURCES.—
17 In preparing the assessment required by paragraph
18 (1), the Director shall—

19 (A) consult widely with officials of the
20 Government, private industry, and academia;
21 and

22 (B) make maximum use of existing studies
23 and modeling and simulations.

24 (4) ACCESS TO INFORMATION.—The Secretary
25 of Defense shall provide the appropriately cleared

1 staff of the Director of the Congressional Budget
2 Office with such access to information and programs
3 applicable to the assessment required by paragraph
4 (1) as the Director of the Congressional Budget Of-
5 fice shall require for the preparation of the assess-
6 ment.

7 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
8 FINED.—In this section, the term “appropriate commit-
9 tees of Congress” means—

10 (1) the Committees on Armed Services and Ap-
11 propriations and the Select Committee on Intel-
12 ligence of the Senate; and

13 (2) the Committees on Armed Services and Ap-
14 propriations and the Permanent Select Committee
15 on Intelligence of the House of Representatives.

16 **SEC. 925. DEFENSE CLANDESTINE SERVICE.**

17 (a) PROHIBITION ON USE OF FUNDS FOR ADDI-
18 TIONAL PERSONNEL.—

19 (1) PROHIBITION.—Subject to paragraph (2),
20 none of the funds authorized to be appropriated by
21 this Act may be obligated or expended for—

22 (A) civilian personnel in the Department of
23 Defense conducting or supporting human intel-
24 ligence in excess of the number of such civilian
25 personnel as of April 20, 2012; or

1 (B) positions in the Department of De-
2 fense served by members of the Armed Forces
3 conducting or supporting human intelligence
4 within the Department of Defense in excess of
5 the number of such positions as of April 20,
6 2012.

7 (2) REDUCTION OF CIVILIAN PERSONNEL.—

8 (A) REDUCTION.—Subject to subpara-
9 graph (B), if on the date of the enactment of
10 this Act the number of civilian personnel in the
11 Department of Defense conducting or sup-
12 porting human intelligence exceeds the number
13 of such personnel as of April 20, 2012, the Sec-
14 retary of Defense shall, not later than 30 days
15 after the date of the enactment of this Act, take
16 appropriate action to promptly reduce, con-
17 sistent with reduction-in-force procedures, the
18 total number of such civilian personnel to the
19 number of such civilian personnel as of April
20 20, 2012.

21 (B) EXCEPTION.—For each civilian per-
22 sonnel in the Department of Defense con-
23 ducting or supporting human intelligence in ex-
24 cess of the number of such civilian personnel as
25 of April 20, 2012, that the Secretary considers

1 necessary to maintain after the date of the en-
2 actment of this Act during all or part of fiscal
3 year 2013, the Secretary shall submit to the ap-
4 propriate committees of Congress a comprehen-
5 sive justification for maintaining such civilian
6 personnel, including the specific role, mission,
7 and responsibilities of such civilian personnel
8 and whether such civilian personnel was em-
9 ployed in another capacity in the Department of
10 Defense immediately prior to beginning the con-
11 duct or support of human intelligence.

12 (C) LIMITATION.—Notwithstanding any
13 other provision of this subsection, following the
14 action taken by the Secretary under subpara-
15 graph (A), the number of civilian personnel in
16 the Department of Defense conducting or sup-
17 porting human intelligence for fiscal year 2013
18 shall not exceed the total of—

19 (i) the number of such civilian per-
20 sonnel as of April 20, 2012; and

21 (ii) the number of such civilian per-
22 sonnel for which the Secretary has sub-
23 mitted a justification under subparagraph
24 (B).

1 (b) CAPE REPORT ON COSTS.—Not later than 120
2 days after the date of the enactment of this Act, the Direc-
3 tor of Cost Assessment and Program Evaluation of the
4 Department of Defense, in consultation with the Director
5 of National Intelligence, shall submit to the appropriate
6 committees of Congress an independent, comprehensive
7 estimate of the costs of the Defense Clandestine Service,
8 including an estimate of the costs over the period of the
9 current future-years defense program and such years oc-
10 ccurring after such period as the Director is able to reason-
11 ably estimate.

12 (c) USDI REPORT ON DCS.—

13 (1) REPORT REQUIRED.—Not later than Feb-
14 ruary 1, 2013, the Under Secretary of Defense for
15 Intelligence shall submit to the appropriate commit-
16 tees of Congress a report on the Defense Clandes-
17 tine Service.

18 (2) ELEMENTS.—The report under paragraph
19 (1) shall include the following:

20 (A) A detailed description of the location
21 and schedule for current and anticipated de-
22 ployments of case officers trained under the
23 Field Tradecraft Course and a certification of
24 whether each activity receiving a deployment
25 can accommodate and support the deployment.

1 (B) A statement of the objectives for the
2 effective management of case officers trained
3 under the Field Tradecraft Course. Such objec-
4 tives shall include an outline of career manage-
5 ment tracks commencing with accession, initial
6 training requirement, number of Defense Clan-
7 destine Service tours requiring Field Tradecraft
8 Course training, and objectives for management
9 of career tracks, including promotion criteria.

10 (C) A statement of the manner in which
11 each military department and the Defense In-
12 telligence Agency will each achieve the objec-
13 tives applicable under subparagraph (B).

14 (D) A copy of any memoranda of under-
15 standing or memoranda of agreement between
16 the Department of Defense and other depart-
17 ments and agencies of the United States Gov-
18 ernment, or between components of the Depart-
19 ment of Defense, that are required to imple-
20 ment objectives for the Defense Clandestine
21 Service.

22 (d) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means—

1 (A) the Committee on Armed Services, the
2 Committee on Appropriations, and the Select
3 Committee on Intelligence of the Senate; and

4 (B) the Committee on Armed Services, the
5 Committee on Appropriations, and the Perma-
6 nent Select Committee on Intelligence of the
7 House of Representatives.

8 (2) FUTURE-YEARS DEFENSE PROGRAM.—The
9 term “future-years defense program” means the fu-
10 ture-years defense program under section 221 of
11 title 10, United States Code.

12 **Subtitle D—Cyberspace-Related** 13 **Matters**

14 **SEC. 931. IMPLEMENTATION STRATEGY FOR JOINT INFOR-** 15 **MATION ENVIRONMENT.**

16 (a) IMPLEMENTATION STRATEGY.—Not later than
17 March 31, 2013, the Secretary of Defense shall submit
18 to the congressional defense committees a strategy for im-
19 plementing the Joint Information Environment. Such
20 strategy shall include—

21 (1) a description for the vision for the Joint In-
22 formation Environment, including a roadmap for
23 achieving such vision from the existing baseline ar-
24 chitecture;

1 (2) an assessment of the key milestones,
2 metrics, and resources needed to achieve such vision,
3 including the anticipated implementation cost and
4 lifecycle cost savings of the Joint Information Envi-
5 ronment;

6 (3) a description of the acquisition strategy and
7 management plan for implementing the Joint Infor-
8 mation Environment;

9 (4) an analysis of the key technical and policy
10 challenges that must be addressed to achieve such
11 vision, including assignment of responsibility for ad-
12 dressing such challenges;

13 (5) an identification of dependencies with exist-
14 ing initiatives or programs and capability gaps not
15 currently addressed by funded initiatives or pro-
16 grams; and

17 (6) an assessment of the personnel challenges
18 associated with manning, training, operating, de-
19 fending, and fighting in the Joint Information Envi-
20 ronment as a command and control and weapon sys-
21 tem.

22 (b) PERSONNEL PLAN.—Not later than one year
23 after the date of the enactment of this Act, the Secretary
24 of Defense, in consultation with the Chairman of the Joint
25 Chiefs of Staff, shall submit to the congressional defense

1 committees a Department-wide personnel plan for making
2 the Joint Information Environment operational. Such per-
3 sonnel plan shall be based on the strategy required under
4 subsection (a) and shall include a validated Joint Staff
5 requirement for manpower levels and the levels required
6 for each of the military departments and combat support
7 agencies needed for full spectrum cyber operations, includ-
8 ing the national cyber defense mission and the operational
9 plans of the combatant commands, for each fiscal year
10 across the current future-years defense program.

11 **SEC. 932. NEXT-GENERATION HOST-BASED CYBER SECUR-**
12 **RITY SYSTEM FOR THE DEPARTMENT OF DE-**
13 **FENSE.**

14 (a) STRATEGY FOR ACQUISITION OF SYSTEM RE-
15 QUIRED.—The Chief Information Officer of the Depart-
16 ment of Defense shall, in consultation with the Under Sec-
17 retary of Defense for Acquisition, Technology, and Logis-
18 tics and the Commander of the United States Cyber Com-
19 mand, develop a strategy to acquire next-generation host-
20 based cyber security tools and capabilities (in this section
21 referred to as a “next-generation system”) for the Depart-
22 ment of Defense.

23 (b) ELEMENTS OF SYSTEM.—It is the sense of Con-
24 gress that any next-generation system acquired under the

1 strategy required by subsection (a) should meet the fol-
2 lowing requirements:

3 (1) To overcome problems and limitations in
4 current capabilities, the system should not rely on
5 techniques that—

6 (A) cannot address new or rapidly
7 morphing threats;

8 (B) consume substantial amounts of com-
9 munications capacity to remain current with
10 known threats and to report current status; or

11 (C) consume substantial amounts of re-
12 sources to store rapidly growing threat libraries.

13 (2) The system should provide an open archi-
14 tecture-based framework for so-called “plug-and-
15 play” integration of a variety of types of deployable
16 tools, including appropriate commercially available
17 applications, in addition to cyber intrusion detection
18 tools, including tools for—

19 (A) insider threat detection;

20 (B) continuous monitoring and configura-
21 tion management;

22 (C) remediation following infections; and

23 (D) protection techniques that do not rely
24 on detection of the attack.

1 (b) POLICY ELEMENTS.—The baseline software as-
2 surance policy under subsection (a) shall—

3 (1) require use of appropriate automated vul-
4 nerability analysis tools in computer software code
5 during the entire lifecycle of a covered system, in-
6 cluding during development, operational testing, op-
7 erations and sustainment phases, and retirement;

8 (2) require covered systems to identify and
9 prioritize security vulnerabilities and, based on risk,
10 determine appropriate remediation strategies for
11 such security vulnerabilities;

12 (3) ensure such remediation strategies are
13 translated into contract requirements and evaluated
14 during source selection;

15 (4) promote best practices and standards to
16 achieve software security, assurance, and quality;
17 and

18 (5) support competition and allow flexibility and
19 compatibility with current or emerging software
20 methodologies.

21 (c) VERIFICATION OF EFFECTIVE IMPLEMENTA-
22 TION.—The Under Secretary of Defense for Acquisition,
23 Technology, and Logistics, in coordination with the Chief
24 Information Officer of the Department of Defense, shall—

1 (1) collect data on implementation of the policy
2 developed under subsection (a) and measure the ef-
3 fectiveness of such policy, including the particular
4 elements required under subsection (b); and

5 (2) identify and promote best practices, tools,
6 and standards for developing and validating assured
7 software for the Department of Defense.

8 (d) BRIEFING ON ADDITIONAL MEANS OF IMPROV-
9 ING SOFTWARE ASSURANCE.—Not later than one year
10 after the date of the enactment of this Act, the Under
11 Secretary for Acquisition, Technology, and Logistics shall,
12 in coordination with the Chief Information Officer of the
13 Department of Defense, provide to the congressional de-
14 fense committees a briefing on the following:

15 (1) A research and development strategy to ad-
16 vance capabilities in software assurance and vulner-
17 ability detection.

18 (2) The state-of-the-art of software assurance
19 analysis and test.

20 (3) How the Department might hold contrac-
21 tors liable for software defects or vulnerabilities.

22 (e) DEFINITIONS.—In this section:

23 (1) COVERED SYSTEM.—The term “covered sys-
24 tem” means any Department of Defense critical in-
25 formation, business, or weapons system that is—

1 (A) a major system, as that term is de-
2 fined in section 2302(5) of title 10, United
3 States Code;

4 (B) a national security system, as that
5 term is defined in section 3542(b)(2) of title
6 44, United States Code; or

7 (C) a Department of Defense information
8 system categorized as Mission Assurance Cat-
9 egory I in Department of Defense Directive
10 8500.01E that is funded by the Department of
11 Defense.

12 (2) SOFTWARE ASSURANCE.—The term “soft-
13 ware assurance” means the level of confidence that
14 software functions as intended and is free of
15 vulnerabilities, either intentionally or unintentionally
16 designed or inserted as part of the software,
17 throughout the life cycle.

18 **SEC. 934. COMPETITION IN CONNECTION WITH DEPART-**
19 **MENT OF DEFENSE TACTICAL DATA LINK**
20 **SYSTEMS.**

21 (a) COMPETITION IN CONNECTION WITH TACTICAL
22 DATA LINK SYSTEMS.—Not later than December 1, 2013,
23 the Under Secretary of Defense for Acquisition, Tech-
24 nology, and Logistics shall—

1 (1) develop an inventory of all tactical data link
2 systems in use and in development in the Depart-
3 ment of Defense, including interfaces and wave-
4 forms;

5 (2) conduct an analysis of each data link sys-
6 tem contained in the inventory under paragraph (1)
7 to determine whether—

8 (A) the upgrade, new deployment, or re-
9 placement of such system should be open to
10 competition; or

11 (B) the data link should be converted to an
12 open architecture, or a different data link
13 standard should be adopted to enable such com-
14 petition;

15 (3) for each data link system for which com-
16 petition is determined advisable under subparagraph
17 (A) or (B) of paragraph (2), develop a plan to
18 achieve such competition, including a plan to ad-
19 dress any policy, legal, programmatic, or technical
20 barriers to such competition; and

21 (4) for each data link system for which com-
22 petition is determined not advisable under paragraph
23 (2), prepare an explanation for such determination.

24 (b) EARLIER ACTIONS.—If the Under Secretary com-
25 pletes any portion of the plan described in subsection

1 (a)(3) before December 1, 2013, the Secretary may com-
2 mence action on such portion of the plan upon completion
3 of such portion, including publication of such portion of
4 the plan.

5 (c) REPORT.—At the same time the budget of the
6 President for fiscal year 2015 is submitted to Congress
7 pursuant to section 1105(a) of title 31, United States
8 Code, the Under Secretary shall submit to the congres-
9 sional defense committees a report on the plans described
10 in paragraph (3) of subsection (a), including any expla-
11 nation prepared under paragraph (4) of such subsection.

12 **SEC. 935. COLLECTION AND ANALYSIS OF NETWORK FLOW**
13 **DATA.**

14 (a) DEVELOPMENT OF TECHNOLOGIES.—The Chief
15 Information Officer of the Department of Defense may,
16 in coordination with the Under Secretary of Defense for
17 Policy and the Under Secretary of Defense for Intelligence
18 and acting through the Director of the Defense Informa-
19 tion Systems Agency, use the available funding and re-
20 search activities and capabilities of the Community Data
21 Center of the Defense Information Systems Agency to de-
22 velop and demonstrate collection, processing, and storage
23 technologies for network flow data that—

1 (1) are potentially scalable to the volume used
2 by Tier 1 Internet Service Providers to collect and
3 analyze the flow data across their networks;

4 (2) will substantially reduce the cost and com-
5 plexity of capturing and analyzing high volumes of
6 flow data; and

7 (3) support the capability—

8 (A) to detect and identify cyber security
9 threats, networks of compromised computers,
10 and command and control sites used for man-
11 aging illicit cyber operations and receiving in-
12 formation from compromised computers;

13 (B) to track illicit cyber operations for at-
14 tribution of the source; and

15 (C) to provide early warning and attack
16 assessment of offensive cyber operations.

17 (b) COORDINATION.—Any research and development
18 required in the development of the technologies described
19 in subsection (a) shall be conducted in cooperation with
20 the heads of other appropriate departments and agencies
21 of the Federal Government and, whenever feasible, Tier
22 1 Internet Service Providers and other managed security
23 service providers.

1 **SEC. 936. COMPETITION FOR LARGE-SCALE SOFTWARE**
2 **DATABASE AND DATA ANALYSIS TOOLS.**

3 (a) ANALYSIS.—

4 (1) REQUIREMENT.—The Secretary of Defense,
5 acting through the Chief Information Officer of the
6 Department of Defense, shall conduct an analysis of
7 large-scale software database tools and large-scale
8 software data analysis tools that could be used to
9 meet current and future Department of Defense
10 needs for large-scale data analytics.

11 (2) ELEMENTS.—The analysis required under
12 paragraph (1) shall include—

13 (A) an analysis of the technical require-
14 ments and needs for large-scale software data-
15 base and data analysis tools, including
16 prioritization of key technical features needed
17 by the Department of Defense; and

18 (B) an assessment of the available sources
19 from Government and commercial sources to
20 meet such needs, including an assessment by
21 the Deputy Assistant Secretary of Defense for
22 Manufacturing and Industrial Base Policy to
23 ensure sufficiency and diversity of potential
24 commercial sources.

25 (3) SUBMISSION.—Not later than 180 days
26 after the date of the enactment of this Act, the

1 Chief Information Officer shall submit to the con-
2 gressional defense committees the results of the
3 analysis required under paragraph (1).

4 (b) COMPETITION REQUIRED.—

5 (1) IN GENERAL.—If, following the analysis re-
6 quired under subsection (a), the Chief Information
7 Officer of the Department of Defense identifies
8 needs for software systems or large-scale software
9 database or data analysis tools, the Department
10 shall acquire such systems or such tools based on
11 market research and using competitive procedures in
12 accordance with applicable law and the Defense Fed-
13 eral Acquisition Regulation Supplement.

14 (2) NOTIFICATION.—If the Chief Information
15 Officer elects to acquire large-scale software data-
16 base or data analysis tools using procedures other
17 than competitive procedures, the Chief Information
18 Officer and the Under Secretary of Defense for Ac-
19 quisition, Technology, and Logistics shall submit a
20 written notification to the congressional defense
21 committees on a quarterly basis until September 30,
22 2018, that describes the acquisition involved, the
23 date the decision was made, and the rationale for
24 not using competitive procedures.

1 **SEC. 937. SOFTWARE LICENSES OF THE DEPARTMENT OF**
2 **DEFENSE.**

3 (a) **PLAN FOR INVENTORY OF LICENSES.—**

4 (1) **IN GENERAL.—**Not later than 180 days
5 after the date of the enactment of this Act, the
6 Chief Information Officer of the Department of the
7 Defense shall, in consultation with the chief informa-
8 tion officers of the military departments and the De-
9 fense Agencies, issue a plan for the inventory of se-
10 lected software licenses of the Department of De-
11 fense, including a comparison of licenses purchased
12 with licenses installed.

13 (2) **SELECTED SOFTWARE LICENSES.—**The
14 Chief Information Officer shall determine the soft-
15 ware licenses to be treated as selected software li-
16 censes of the Department for purposes of this sec-
17 tion. The licenses shall be determined so as to maxi-
18 mize the return on investment in the inventory con-
19 ducted pursuant to the plan required by paragraph
20 (1).

21 (3) **PLAN ELEMENTS.—**The plan under para-
22 graph (1) shall include the following:

23 (A) An identification and explanation of
24 the software licenses determined by the Chief
25 Information Officer under paragraph (2) to be
26 selected software licenses for purposes of this

1 section, and a summary outline of the software
2 licenses determined not to be selected software
3 licenses for such purposes.

4 (B) Means to assess the needs of the De-
5 partment and the components of the Depart-
6 ment for selected software licenses during the
7 two fiscal years following the date of the
8 issuance of the plan.

9 (C) Means by which the Department can
10 achieve the greatest possible economies of scale
11 and cost savings in the procurement, use, and
12 optimization of selected software licenses.

13 (b) PERFORMANCE PLAN.—If the Chief Information
14 Officer determines through the inventory conducted pur-
15 suant to the plan required by subsection (a) that the num-
16 ber of selected software licenses of the Department and
17 the components of the Department exceeds the needs of
18 the Department for such software licenses, the Secretary
19 of Defense shall implement a plan to bring the number
20 of such software licenses into balance with the needs of
21 the Department.

1 **SEC. 938. SENSE OF CONGRESS ON POTENTIAL SECURITY**
2 **RISKS TO DEPARTMENT OF DEFENSE NET-**
3 **WORKS.**

4 It is the sense of Congress that the Department of
5 Defense—

6 (1) must ensure it maintains full visibility and
7 adequate control of its supply chain, including sub-
8 contractors, in order to mitigate supply chain exploi-
9 tation; and

10 (2) needs the authority and capability to miti-
11 gate supply chain risks to its information technology
12 systems that fall outside the scope of National Secu-
13 rity Systems.

14 **SEC. 939. QUARTERLY CYBER OPERATIONS BRIEFINGS.**

15 (a) BRIEFINGS.—Chapter 23 of title 10, United
16 States Code, is amended by inserting after section 483 the
17 following new section:

18 **“§ 484. Quarterly cyber operations briefings**

19 “The Secretary of Defense shall provide to the Com-
20 mittees on Armed Services of the House of Representa-
21 tives and the Senate quarterly briefings on all offensive
22 and significant defensive military operations in cyberspace
23 carried out by the Department of Defense during the im-
24 mediately preceding quarter.”.

25 (b) INITIAL BRIEFING.—The first briefing required
26 under section 484 of title 10, United States Code, as

1 added by subsection (a), shall be provided not later than
2 March 1, 2013.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 23 of title 10, United States
5 Code, is amended by inserting after the item relating to
6 section 483 the following new item:

“484. Quarterly cyber operations briefings.”.

7 **SEC. 940. SENSE OF CONGRESS ON THE UNITED STATES**
8 **CYBER COMMAND.**

9 It is the sense of Congress that—

10 (1) there is a serious cyber threat to the na-
11 tional security of the United States and the need to
12 work both offensively and defensively to protect the
13 networks and critical infrastructure of the United
14 States;

15 (2) it is important to have a unified command
16 structure in the Department of Defense to direct
17 military operations in cyberspace;

18 (3) a change in the status of the United States
19 Cyber Command has implications for the entire De-
20 partment and the national security of the United
21 States, which require careful consideration;

22 (4) Congress expects to be briefed and con-
23 sulted about any proposal to elevate the United
24 States Cyber Command to a unified command at the

1 time when the Secretary of Defense makes such a
2 proposal and to receive—

3 (A) a clear statement of mission of the
4 United States Cyber Command and related
5 legal definitions;

6 (B) an outline of the specific national secu-
7 rity benefits of elevating the sub-unified United
8 States Cyber Command to a unified command;

9 (C) an estimate of the cost of creating a
10 unified United States Cyber Command and a
11 justification of the expenditure; and

12 (D) if the Secretary considers it advisable
13 to continue the designation of the Commander
14 of the United States Cyber Command as also
15 being the Director of the National Security
16 Agency—

17 (i) an explanation of how a single in-
18 dividual could serve as a commander of a
19 combatant command that conducts overt,
20 though clandestine, cyber operations under
21 title 10, United States Code, and serve as
22 the head of an element of the intelligence
23 community that conducts covert cyber op-
24 erations under the National Security Act
25 of 1947 (50 U.S.C. 401 et seq.) in a man-

1 ner that affords deniability to the United
2 States; and

3 (ii) a statement of whether the Sec-
4 retary believes it is appropriate either to
5 appoint a line officer as the Director of the
6 National Security Agency or to take the
7 unprecedented step of appointing an intel-
8 ligence officer as a unified commander;
9 and

10 (5) appropriate policy foundations and standing
11 rules of engagement must be in place before any de-
12 cision to create a unified United States Cyber Com-
13 mand.

14 **SEC. 941. REPORTS TO DEPARTMENT OF DEFENSE ON PEN-**
15 **ETRATIONS OF NETWORKS AND INFORMA-**
16 **TION SYSTEMS OF CERTAIN CONTRACTORS.**

17 (a) PROCEDURES FOR REPORTING PENETRA-
18 TIONS.—The Secretary of Defense shall establish proce-
19 dures that require each cleared defense contractor to re-
20 port to a component of the Department of Defense des-
21 ignated by the Secretary for purposes of such procedures
22 when a network or information system of such contractor
23 that meets the criteria established pursuant to subsection
24 (b) is successfully penetrated.

1 (b) NETWORKS AND INFORMATION SYSTEMS SUB-
2 JECT TO REPORTING.—

3 (1) CRITERIA.—The Secretary of Defense shall
4 designate a senior official to, in consultation with
5 the officials specified in paragraph (2), establish cri-
6 teria for covered networks to be subject to the proce-
7 dures for reporting system penetrations under sub-
8 section (a).

9 (2) OFFICIALS.—The officials specified in this
10 subsection are the following:

11 (A) The Under Secretary of Defense for
12 Policy.

13 (B) The Under Secretary of Defense for
14 Acquisition, Technology, and Logistics.

15 (C) The Under Secretary of Defense for
16 Intelligence.

17 (D) The Chief Information Officer of the
18 Department of Defense.

19 (E) The Commander of the United States
20 Cyber Command.

21 (c) PROCEDURE REQUIREMENTS.—

22 (1) RAPID REPORTING.—The procedures estab-
23 lished pursuant to subsection (a) shall require each
24 cleared defense contractor to rapidly report to a
25 component of the Department of Defense designated

1 pursuant to subsection (a) of each successful pene-
2 tration of the network or information systems of
3 such contractor that meet the criteria established
4 pursuant to subsection (b). Each such report shall
5 include the following:

6 (A) A description of the technique or
7 method used in such penetration.

8 (B) A sample of the malicious software, if
9 discovered and isolated by the contractor, in-
10 volved in such penetration.

11 (C) A summary of information created by
12 or for the Department in connection with any
13 Department program that has been potentially
14 compromised due to such penetration.

15 (2) ACCESS TO EQUIPMENT AND INFORMATION
16 BY DEPARTMENT OF DEFENSE PERSONNEL.—The
17 procedures established pursuant to subsection (a)
18 shall—

19 (A) include mechanisms for Department of
20 Defense personnel to, upon request, obtain ac-
21 cess to equipment or information of a cleared
22 defense contractor necessary to conduct forensic
23 analysis in addition to any analysis conducted
24 by such contractor;

1 (B) provide that a cleared defense con-
2 tractor is only required to provide access to
3 equipment or information as described in sub-
4 paragraph (A) to determine whether informa-
5 tion created by or for the Department in con-
6 nection with any Department program was suc-
7 cessfully exfiltrated from a network or informa-
8 tion system of such contractor and, if so, what
9 information was exfiltrated; and

10 (C) provide for the reasonable protection of
11 trade secrets, commercial or financial informa-
12 tion, and information that can be used to iden-
13 tify a specific person.

14 (3) LIMITATION ON DISSEMINATION OF CER-
15 TAIN INFORMATION.—The procedures established
16 pursuant to subsection (a) shall prohibit the dissemi-
17 nation outside the Department of Defense of infor-
18 mation obtained or derived through such procedures
19 that is not created by or for the Department except
20 with the approval of the contractor providing such
21 information.

22 (d) ISSUANCE OF PROCEDURES AND ESTABLISH-
23 MENT OF CRITERIA.—

24 (1) IN GENERAL.—Not later than 90 days after
25 the date of the enactment of this Act—

1 (A) the Secretary of Defense shall estab-
2 lish the procedures required under subsection
3 (a); and

4 (B) the senior official designated under
5 subsection (b)(1) shall establish the criteria re-
6 quired under such subsection.

7 (2) APPLICABILITY DATE.—The requirements
8 of this section shall apply on the date on which the
9 Secretary of Defense establishes the procedures re-
10 quired under this section.

11 (e) DEFINITIONS.—In this section:

12 (1) CLEARED DEFENSE CONTRACTOR.—The
13 term “cleared defense contractor” means a private
14 entity granted clearance by the Department of De-
15 fense to access, receive, or store classified informa-
16 tion for the purpose of bidding for a contract or con-
17 ducting activities in support of any program of the
18 Department of Defense.

19 (2) COVERED NETWORK.—The term “covered
20 network” means a network or information system of
21 a cleared defense contractor that contains or proc-
22 esses information created by or for the Department
23 of Defense with respect to which such contractor is
24 required to apply enhanced protection.

1 **Subtitle E—Other Matters**

2 **SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIR-**
3 **MAN OF JOINT CHIEFS OF STAFF AND JOINT**
4 **REQUIREMENTS OVERSIGHT COUNCIL.**

5 (a) AMENDMENTS RELATED TO CHAIRMAN OF JOINT
6 CHIEFS OF STAFF.—Section 153(a)(4) of title 10, United
7 States Code, is amended by striking subparagraph (F)
8 and inserting the following new subparagraphs:

9 “(F) Identifying, assessing, and approving mili-
10 tary requirements (including existing systems and
11 equipment) to meet the National Military Strategy.

12 “(G) Recommending to the Secretary appro-
13 priate trade-offs among life-cycle cost, schedule, and
14 performance objectives, and procurement quantity
15 objectives, to ensure that such trade-offs are made
16 in the acquisition of materiel and equipment to sup-
17 port the strategic and contingency plans required by
18 this subsection in the most effective and efficient
19 manner.”.

20 (b) AMENDMENTS RELATED TO JROC.—Section
21 181(b) of such title is amended—

22 (1) in paragraph (1)(C), by striking “in ensur-
23 ing” and all that follows through “requirements”
24 and inserting the following: “in ensuring that appro-
25 priate trade-offs are made among life-cycle cost,

1 schedule, and performance objectives, and procure-
2 ment quantity objectives, in the establishment and
3 approval of military requirements”; and

4 (2) in paragraph (3), by striking “such resource
5 level” and inserting “the total cost of such re-
6 sources”.

7 (c) AMENDMENTS RELATED TO CHIEFS OF ARMED
8 FORCES.—Section 2547(a) of such title is amended—

9 (1) in paragraph (1), by striking “of require-
10 ments relating to the defense acquisition system”
11 and inserting “of requirements for equipping the
12 armed force concerned”;

13 (2) by redesignating paragraphs (3) and (4) as
14 paragraphs (5) and (6), respectively; and

15 (3) by inserting after paragraph (2) the fol-
16 lowing new paragraphs:

17 “(3) The recommendation of trade-offs among
18 life-cycle cost, schedule, and performance objectives,
19 and procurement quantity objectives, to ensure ac-
20 quisition programs deliver best value in meeting the
21 approved military requirements.

22 “(4) Termination of development or procure-
23 ment programs for which life-cycle cost, schedule,
24 and performance expectations are no longer con-
25 sistent with approved military requirements and lev-

1 els of priority, or which no longer have approved
2 military requirements.”.

3 **SEC. 952. ENHANCEMENT OF RESPONSIBILITIES OF THE**
4 **CHAIRMAN OF THE JOINT CHIEFS OF STAFF**
5 **REGARDING THE NATIONAL MILITARY**
6 **STRATEGY.**

7 (a) IN GENERAL.—Subsection (b) of section 153 of
8 title 10, United States Code, is amended to read as fol-
9 lows:

10 “(b) NATIONAL MILITARY STRATEGY.—

11 “(1) NATIONAL MILITARY STRATEGY.—(A) The
12 Chairman shall determine each even-numbered year
13 whether to prepare a new National Military Strategy
14 in accordance with this subparagraph or to update
15 a strategy previously prepared in accordance with
16 this subsection. The Chairman shall complete prepa-
17 ration of the National Military Strategy or update in
18 time for transmittal to Congress pursuant to para-
19 graph (3), including in time for inclusion of the re-
20 port of the Secretary of Defense, if any, under para-
21 graph (4).

22 “(B) Each National Military Strategy (or up-
23 date) under this paragraph shall be based on a com-
24 prehensive review conducted by the Chairman in
25 conjunction with the other members of the Joint

1 Chiefs of Staff and the commanders of the unified
2 and specified combatant commands.

3 “(C) Each National Military Strategy (or up-
4 date) submitted under this paragraph shall describe
5 how the military will achieve the objectives of the
6 United States as articulated in—

7 “(i) the most recent National Security
8 Strategy prescribed by the President pursuant
9 to section 108 of the National Security Act of
10 1947 (50 U.S.C. 404a);

11 “(ii) the most recent annual report of the
12 Secretary of Defense submitted to the President
13 and Congress pursuant to section 113 of this
14 title;

15 “(iii) the most recent Quadrennial Defense
16 Review conducted by the Secretary of Defense
17 pursuant to section 118 of this title; and

18 “(iv) any other national security or defense
19 strategic guidance issued by the President or
20 the Secretary of Defense.

21 “(D) Each National Military Strategy (or up-
22 date) submitted under this paragraph shall iden-
23 tify—

24 “(i) the United States military objectives
25 and the relationship of those objectives to the

1 strategic environment and to the threats re-
2 quired to be described under subparagraph (E);

3 “(ii) the operational concepts, missions,
4 tasks, or activities necessary to support the
5 achievement of the objectives identified under
6 clause (i);

7 “(iii) the fiscal, budgetary, and resource
8 environments and conditions that, in the assess-
9 ment of the Chairman, affect the strategy; and

10 “(iv) the assumptions made with respect to
11 each of clauses (i) through (iii).

12 “(E) Each National Military Strategy (or up-
13 date) submitted under this paragraph shall also in-
14 clude a description of—

15 “(i) the strategic environment and the op-
16 portunities and challenges that affect United
17 States national interests and United States na-
18 tional security;

19 “(ii) the threats, such as international, re-
20 gional, transnational, hybrid, terrorism, cyber
21 attack, weapons of mass destruction, asym-
22 metric challenges, and any other categories of
23 threats identified by the Chairman, to the
24 United States national security;

1 “(iii) the implications of current force
2 planning and sizing constructs for the strategy;

3 “(iv) the capacity, capabilities, and avail-
4 ability of United States forces (including both
5 the active and reserve components) to support
6 the execution of missions required by the strat-
7 egy;

8 “(v) areas in which the armed forces in-
9 tends to engage and synchronize with other de-
10 partments and agencies of the United States
11 Government contributing to the execution of
12 missions required by the strategy;

13 “(vi) areas in which the armed forces could
14 be augmented by contributions from alliances
15 (such as the North Atlantic Treaty Organiza-
16 tion), international allies, or other friendly na-
17 tions in the execution of missions required by
18 the strategy;

19 “(vii) the requirements for operational con-
20 tractor support to the armed forces for con-
21 ducting security force assistance training,
22 peacekeeping, overseas contingency operations,
23 and other major combat operations under the
24 strategy; and

1 “(viii) the assumptions made with respect
2 to each of clauses (i) through (vii).

3 “(F) Each update to a National Military Strat-
4 egy under this paragraph shall address only those
5 parts of the most recent National Military Strategy
6 for which the Chairman determines, on the basis of
7 a comprehensive review conducted in conjunction
8 with the other members of the Joint Chiefs of Staff
9 and the commanders of the combatant commands,
10 that a modification is needed.

11 “(2) RISK ASSESSMENT.—(A) The Chairman
12 shall prepare each year an assessment of the risks
13 associated with the most current National Military
14 Strategy (or update) under paragraph (1). The risk
15 assessment shall be known as the ‘Risk Assessment
16 of the Chairman of the Joint Chiefs of Staff’. The
17 Chairman shall complete preparation of the Risk As-
18 sessment in time for transmittal to Congress pursu-
19 ant to paragraph (3), including in time for inclusion
20 of the report of the Secretary of Defense, if any,
21 under paragraph (4).

22 “(B) The Risk Assessment shall do the fol-
23 lowing:

24 “(i) As the Chairman considers appro-
25 priate, update any changes to the strategic en-

1 vironment, threats, objectives, force planning
2 and sizing constructs, assessments, and as-
3 sumptions that informed the National Military
4 Strategy required by this section.

5 “(ii) Identify and define the strategic risks
6 to United States interests and the military risks
7 in executing the missions of the National Mili-
8 tary Strategy.

9 “(iii) Identify and define levels of risk dis-
10 distinguishing between the concepts of probability
11 and consequences, including an identification of
12 what constitutes ‘significant’ risk in the judg-
13 ment of the Chairman.

14 “(iv)(I) Identify and assess risk in the Na-
15 tional Military Strategy by category and level
16 and the ways in which risk might manifest
17 itself, including how risk is projected to in-
18 crease, decrease, or remain stable over time;
19 and

20 “(II) for each category of risk, assess the
21 extent to which current or future risk increases,
22 decreases, or is stable as a result of budgetary
23 priorities, tradeoffs, or fiscal constraints or lim-
24 itations as currently estimated and applied in

1 the most current future-years defense program
2 under section 221 of this title.

3 “(v) Identify and assess risk associated
4 with the assumptions or plans of the National
5 Military Strategy about the contributions or
6 support of—

7 “(I) other departments and agencies
8 of the United States Government (includ-
9 ing their capabilities and availability);

10 “(II) alliances, allies, and other
11 friendly nations (including their capabili-
12 ties, availability, and interoperability); and

13 “(III) contractors.

14 “(vi) Identify and assess the critical defi-
15 ciencies and strengths in force capabilities (in-
16 cluding manpower, logistics, intelligence, and
17 mobility support) identified during the prepara-
18 tion and review of the contingency plans of each
19 unified combatant command, and identify and
20 assess the effect of such deficiencies and
21 strengths for the National Military Strategy.

22 “(3) SUBMITTAL OF NATIONAL MILITARY
23 STRATEGY AND RISK ASSESSMENT TO CONGRESS.—

24 (A) Not later than February 15 of each even-num-
25 bered year, the Chairman shall, through the Sec-

1 retary of Defense, submit to the Committees on
2 Armed Services of the Senate and the House of Rep-
3 resentatives the National Military Strategy or up-
4 date, if any, prepared under paragraph (1) in such
5 year.

6 “(B) Not later than February 15 each year, the
7 Chairman shall, through the Secretary of Defense,
8 submit to the Committees on Armed Services of the
9 Senate and the House of Representatives the Risk
10 Assessment prepared under paragraph (2) in such
11 year.

12 “(4) SECRETARY OF DEFENSE REPORTS TO
13 CONGRESS.—(A) In transmitting a National Military
14 Strategy (or update) or Risk Assessment to Con-
15 gress pursuant to paragraph (3), the Secretary of
16 Defense shall include in the transmittal such com-
17 ments of the Secretary thereon, if any, as the Sec-
18 retary considers appropriate.

19 “(B) If the Risk Assessment transmitted under
20 paragraph (3) in a year includes an assessment that
21 a risk or risks associated with the National Military
22 Strategy (or update) are significant, or that critical
23 deficiencies in force capabilities exist for a contin-
24 gency plan described in paragraph (2)(B)(vi), the
25 Secretary shall include in the transmittal of the Risk

1 Assessment the plan of the Secretary for mitigating
2 such risk or deficiency. A plan for mitigating risk of
3 deficiency under this subparagraph shall—

4 “(i) address the risk assumed in the Na-
5 tional Military Strategy (or update) concerned,
6 and the additional actions taken or planned to
7 be taken to address such risk using only cur-
8 rent technology and force structure capabilities;
9 and

10 “(ii) specify, for each risk addressed, the
11 extent of, and a schedule for expected mitiga-
12 tion of, such risk, and an assessment of the po-
13 tential for residual risk, if any, after mitiga-
14 tion.”.

15 (b) CONFORMING AMENDMENT.—Such section is fur-
16 ther amended by striking subsection (d).

17 **SEC. 953. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
18 **REIMBURSEMENT OF COSTS OF ACTIVITIES**
19 **FOR NONGOVERNMENTAL PERSONNEL AT**
20 **DEPARTMENT OF DEFENSE REGIONAL CEN-**
21 **TERS FOR SECURITY STUDIES.**

22 Paragraph (1) of section 941(b) of the Duncan
23 Hunter National Defense Authorization Act for Fiscal
24 Year 2009 (Public Law 110–417; 10 U.S.C. 184 note) is

1 amended by striking “through 2012” and inserting
2 “through 2013”.

3 **SEC. 954. NATIONAL LANGUAGE SERVICE CORPS.**

4 (a) CHARTER FOR NATIONAL LANGUAGE SERVICE
5 CORPS.—The David L. Boren National Security Edu-
6 cation Act of 1991 (50 U.S.C. 1901 et seq.) is amended
7 by adding at the end the following new section:

8 **“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

9 “(a) ESTABLISHMENT.—(1) The Secretary of De-
10 fense may establish and maintain within the Department
11 of Defense a National Language Service Corps (in this
12 section referred to as the ‘Corps’).

13 “(2) The purpose of the Corps is to provide a pool
14 of nongovernmental personnel with foreign language skills
15 who, as provided in regulations prescribed under this sec-
16 tion, agree to provide foreign language services to the De-
17 partment of Defense or another department or agency of
18 the United States.

19 “(b) NATIONAL SECURITY EDUCATION BOARD.—If
20 the Secretary establishes the Corps, the Secretary shall
21 provide for the National Security Education Board to
22 oversee and coordinate the activities of the Corps to such
23 extent and in such manner as determined by the Secretary
24 under paragraph (9) of section 803(d).

1 “(c) MEMBERSHIP.—To be eligible for membership
2 in the Corps, a person must be a citizen of the United
3 States authorized by law to be employed in the United
4 States, have attained the age of 18 years, and possess
5 such foreign language skills as the Secretary considers ap-
6 propriate for membership in the Corps.

7 “(d) TRAINING.—The Secretary may provide mem-
8 bers of the Corps such training as the Secretary prescribes
9 for purposes of this section.

10 “(e) SERVICE.—Upon a determination that it is in
11 the national interests of the United States, the Secretary
12 shall call upon members of the Corps to provide foreign
13 language services to the Department of Defense or an-
14 other department or agency of the United States. If a
15 member of the Corps is, as of the time of such determina-
16 tion, employed by or performing under a contract for an
17 element of another Federal agency, the Secretary shall
18 first obtain the concurrence of the head of that agency.

19 “(f) FUNDING.—The Secretary may impose fees, in
20 amounts up to full-cost recovery, for language services and
21 technical assistance rendered by members of the Corps.
22 Amounts of fees received under this section shall be cred-
23 ited to the account of the Department providing funds for
24 any costs incurred by the Department in connection with
25 the Corps. Amounts so credited to such account shall be

1 merged with amounts in such account, and shall be avail-
2 able to the same extent, and subject to the same conditions
3 and limitations, as amounts in such account. Any amounts
4 so credited shall remain available until expended.”.

5 (b) NATIONAL SECURITY EDUCATION BOARD MAT-
6 TERS.—

7 (1) COMPOSITION.—Subsection (b) of section
8 803 of such Act (50 U.S.C. 1903) is amended—

9 (A) by striking paragraph (5);

10 (B) by redesignating paragraphs (6) and
11 (7) as paragraphs (8) and (9), respectively; and

12 (C) by inserting after paragraph (4) the
13 following new paragraphs:

14 “(5) The Secretary of Homeland Security.

15 “(6) The Secretary of Energy.

16 “(7) The Director of National Intelligence.”.

17 (2) FUNCTIONS.—Subsection (d) of such sec-
18 tion is amended by adding at the end the following
19 new paragraph:

20 “(9) To the extent provided by the Secretary of
21 Defense, oversee and coordinate the activities of the
22 National Language Service Corps under section 813,
23 including—

24 “(A) assessing on a periodic basis whether
25 the Corps is addressing the needs identified by

1 the heads of departments and agencies of the
2 Federal Government for personnel with skills in
3 various foreign languages;

4 “(B) recommending plans for the Corps to
5 address foreign language shortfalls and require-
6 ments of the departments and agencies of the
7 Federal Government;

8 “(C) recommending effective ways to in-
9 crease public awareness of the need for foreign
10 languages skills and career paths in the Federal
11 Government that use those skills; and

12 “(D) overseeing the Corps efforts to work
13 with Executive agencies and State and Local
14 governments to respond to interagency plans
15 and agreements to address overall foreign lan-
16 guage shortfalls and to utilize personnel to ad-
17 dress the various types of crises that warrant
18 foreign language skills.”.SEC. 955. SAVINGS
19 TO BE ACHIEVED IN CIVILIAN PER-
20 SONNEL WORKFORCE AND SERVICE
21 CONTRACTOR WORKFORCE OF THE DE-
22 PARTMENT OF DEFENSE.

23 (a) REQUIRED PLAN.—

24 (1) IN GENERAL.—The Secretary of Defense
25 shall ensure that the civilian personnel workforce

1 and service contractor workforce of the Department
2 of Defense are appropriately sized to support and
3 execute the National Military Strategy, taking into
4 account military personnel and force structure levels.
5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall de-
7 velop and begin to execute an efficiencies plan for
8 the civilian personnel workforce and service con-
9 tractor workforce of the Department of Defense.

10 (2) CONSISTENCY WITH OTHER POLICIES AND
11 PROCEDURES.—The Secretary shall ensure the plan
12 required under this subsection is consistent with the
13 policies and procedures required under section 129a
14 of title 10, United States Code, as implemented
15 under the policies issued by the Under Secretary of
16 Defense for Personnel and Readiness for deter-
17 mining the most appropriate and cost-efficient mix
18 of military, civilian, and service contractor personnel
19 to perform the missions of the Department of De-
20 fense.

21 (b) SAVINGS.—The plan required under subsection
22 (a) shall achieve savings in the total funding for each
23 workforce covered by such plan over the period from fiscal
24 year 2012 through fiscal year 2017 that are not less, as
25 a percentage of such funding, than the savings in funding

1 for basic military personnel pay achieved from reductions
2 in military end strengths over the same period of time.

3 (c) EXCLUSIONS.—In developing and implementing
4 the plan required by subsection (a) and achieving the sav-
5 ings percentages required by subsection (b), the Secretary
6 of Defense may exclude expenses related to the perform-
7 ance of functions identified as core or critical to the mis-
8 sion of the Department, consistent with the workload anal-
9 ysis and risk assessments required by sections 129 and
10 129a of title 10, United States Code. In making a deter-
11 mination of core or critical functions, the Secretary shall
12 consider at least the following:

13 (1) Civilian personnel expenses for personnel as
14 follows:

15 (A) Personnel in Mission Critical Occupa-
16 tions, as defined by the Civilian Human Capital
17 Strategic Plan of the Department of Defense
18 and the Acquisition Workforce Plan of the De-
19 partment of Defense.

20 (B) Personnel employed at facilities pro-
21 viding core logistics capabilities pursuant to
22 section 2464 of title 10, United States Code.

23 (C) Personnel in the Offices of the Inspec-
24 tors General of the Department of Defense.

1 (2) Service contractor expenses for personnel as
2 follows:

3 (A) Personnel performing maintenance and
4 repair of military equipment.

5 (B) Personnel providing medical services.

6 (C) Personnel performing financial audit
7 services.

8 (3) Personnel expenses for personnel in the ci-
9 vilian personnel workforce or service contractor
10 workforce performing such other critical functions as
11 may be identified by the Secretary as requiring ex-
12 emption in the interest of the national defense.

13 (d) REPORTS.—

14 (1) INITIAL REPORT.—Not later than 120 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense shall submit to the congressional
17 defense committees a report including a comprehen-
18 sive description of the plan required by subsection
19 (a).

20 (2) STATUS REPORTS.—As part of the budget
21 submitted by the President to Congress for each of
22 fiscal years 2015 through 2018, the Secretary shall
23 include a report describing the implementation of
24 the plan during the prior fiscal year and any modi-
25 fications to the plan required due to changing cir-

1 cumstances. Each such report shall include a sum-
2 mary of the savings achieved in such prior fiscal
3 year through reductions in the military, civilian, and
4 service contractor personnel workforces, and the
5 number of military, civilian, and service contractor
6 personnel reduced. In any case in which savings fall
7 short of the annual target, the report shall include
8 an explanation of the reasons for such shortfall.

9 (3) EXCLUSIONS.—Each report under para-
10 graphs (1) and (2) shall specifically identify any ex-
11 clusion granted by the Secretary under subsection
12 (c) in the period of time covered by the report.

13 (e) LIMITATION ON TRANSFERS OF FUNCTIONS.—
14 The Secretary shall ensure that the savings required by
15 this section are not achieved through unjustified transfers
16 of functions between or among the military, civilian, and
17 service contractor personnel workforces of the Department
18 of Defense. Nothing in this section shall be construed to
19 preclude the Secretary from exercising authority available
20 to the Department under sections 129a, 2330a, 2461, and
21 2463 of title 10, United States Code.

22 (f) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that an amount equal to 30 percent of the amount
24 of the reductions in appropriated funds attributable to re-
25 duced budgets for the civilian and service contractor

1 workforces of the Department by reason of the plan re-
2 quired by subsection (a) should be made available for costs
3 of assisting military personnel separated from the Armed
4 Forces in the transition from military service.

5 (g) SERVICE CONTRACTOR WORKFORCE DEFINED.—
6 In this section, the term “service contractor workforce”
7 means contractor employees performing contract services,
8 as defined in section 2330(c)(2) of title 10, United States
9 Code, other than contract services that are funded out of
10 amounts available for overseas contingency operations.

11 (h) COMPTROLLER GENERAL REVIEW AND RE-
12 PORT.—For each fiscal year from fiscal year 2015 through
13 fiscal year 2018, the Comptroller General of the United
14 States shall review the status reports submitted by the
15 Secretary as required by subsection (d)(2) to determine
16 whether the savings required by subsection (b) are being
17 achieved in the civilian personnel workforce and the serv-
18 ice contractor workforce and whether the plan required
19 under subsection (a) is being implemented consistent with
20 sourcing and workforce management laws, including sec-
21 tions 129, 129a, 2330a, 2461, and 2463 of title 10,
22 United States Code. The Comptroller General shall submit
23 a report on the findings of each review to the congressional
24 defense committees not later than 120 days after the end
25 of each fiscal year covered by this subsection.

1 **SEC. 956. EXPANSION OF PERSONS ELIGIBLE FOR EXPE-**
2 **DITED FEDERAL HIRING FOLLOWING COM-**
3 **PLETION OF NATIONAL SECURITY EDU-**
4 **CATION PROGRAM SCHOLARSHIP.**

5 Section 802(k) of the David L. Boren National Secu-
6 rity Education Act of 1991 (50 U.S.C. 1902(k)) is amend-
7 ed to read as follows:

8 “(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

9 “(1) APPOINTMENT AUTHORITY.—The Sec-
10 retary of Defense, the Secretary of Homeland Secu-
11 rity, the Secretary of State, or the head of a Federal
12 agency or office identified by the Secretary of De-
13 fense under subsection (g) as having national secu-
14 rity responsibilities—

15 “(A) may, without regard to any provision
16 of title 5, United States Code, governing ap-
17 pointments in the competitive service, appoint
18 an eligible program participant—

19 “(i) to a position in the excepted serv-
20 ice that is certified by the Secretary of De-
21 fense under clause (i) of subsection
22 (b)(2)(A) as contributing to the national
23 security of the United States; or

24 “(ii) subject to clause (ii) of such sub-
25 section, to a position in the excepted serv-

1 ice in such Federal agency or office identi-
2 fied by the Secretary; and

3 “(B) may, upon satisfactory completion of
4 two years of substantially continuous service by
5 an incumbent who was appointed to an ex-
6 cepted service position under the authority of
7 subparagraph (A), convert the appointment of
8 such individual, without competition, to a career
9 or career-conditional appointment.

10 “(2) TREATMENT OF CERTAIN SERVICE.—In
11 the case of an eligible program participant described
12 in clause (ii) or (iii) of paragraph (3)(C) who re-
13 ceives an appointment under paragraph (1)(A), the
14 head of a Department or Federal agency or office
15 referred to in paragraph (1) may count any period
16 that the individual served in a position with the Fed-
17 eral Government toward satisfaction of the service
18 requirement under paragraph (1)(B) if that serv-
19 ice—

20 “(A) in the case of an appointment under
21 clause (i) of paragraph (1)(A), was in a position
22 that is identified under clause (i) of subsection
23 (b)(2)(A) as contributing to the national secu-
24 rity of the United States; or

1 “(B) in the case of an appointment under
2 clause (ii) of paragraph (1)(A), was in the Fed-
3 eral agency or office in which the appointment
4 under that clause is made.

5 “(3) ELIGIBLE PROGRAM PARTICIPANT DE-
6 FINED.—In this subsection, the term ‘eligible pro-
7 gram participant’ means an individual who—

8 “(A) has successfully completed an aca-
9 demic program for which a scholarship or fel-
10 lowship under this section was awarded;

11 “(B) has not previously been appointed to
12 the excepted service position under paragraph
13 (1)(A); and

14 “(C) at the time of the appointment of the
15 individual to an excepted service position under
16 paragraph (1)(A)—

17 “(i) under the terms of the agreement
18 for such scholarship or fellowship, owes a
19 service commitment to a Department or
20 Federal agency or office referred to in
21 paragraph (1);

22 “(ii) is employed by the Federal Gov-
23 ernment under a non-permanent appoint-
24 ment to a position in the excepted service

1 that has national security responsibilities;
2 or
3 “(iii) is a former civilian employee of
4 the Federal Government who has less than
5 a one-year break in service from the last
6 period of Federal employment of such indi-
7 vidual in a non-permanent appointment in
8 the excepted service with national security
9 responsibilities.”.

10 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Budgetary effects of this Act.
- Sec. 1003. Sense of Congress on notice to Congress on unfunded priorities.
- Sec. 1004. Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization.
- Sec. 1005. Audit readiness of Department of Defense statements of budgetary resources.
- Sec. 1006. Report on balances carried forward by the Department of Defense at the end of fiscal year 2012.
- Sec. 1007. Report on elimination and streamlining of reporting requirements, thresholds, and statutory and regulatory requirements resulting from unqualified audit opinion of Department of Defense financial statements.

Subtitle B—Counter-Drug Activities

- Sec. 1008. Extension of the authority to establish and operate National Guard counterdrug schools.
- Sec. 1009. Biannual reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account.
- Sec. 1010. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.
- Sec. 1011. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1012. Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments.

Subtitle C—Naval Vessels and Shipyards

- Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.

- Sec. 1014. Limitation on availability of funds for delayed annual naval vessel construction plan.
- Sec. 1015. Retirement of naval vessels.
- Sec. 1016. Termination of a Maritime Prepositioning Ship squadron.
- Sec. 1017. Sense of Congress on recapitalization for the Navy and Coast Guard.
- Sec. 1018. Notice to Congress for the review of proposals to name naval vessels.

Subtitle D—Counterterrorism

- Sec. 1021. Extension of authority to make rewards for combating terrorism.
- Sec. 1022. Prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1023. Report on recidivism of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who have been transferred to foreign countries.
- Sec. 1024. Notice and report on use of naval vessels for detention of individuals captured outside Afghanistan pursuant to the Authorization for Use of Military Force.
- Sec. 1025. Notice required prior to transfer of certain individuals detained at the Detention Facility at Parwan, Afghanistan.
- Sec. 1026. Report on recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan.
- Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1028. Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities.
- Sec. 1029. Rights Unaffected.

Subtitle E—Nuclear Forces

- Sec. 1031. Nuclear weapons employment strategy of the United States.
- Sec. 1032. Progress of modernization.
- Sec. 1033. Report in the event of insufficient funding for modernization of nuclear weapons stockpile.
- Sec. 1034. Prevention of asymmetry of nuclear weapon stockpile reductions.
- Sec. 1035. Strategic delivery systems.
- Sec. 1036. Consideration of expansion of nuclear forces of other countries.
- Sec. 1037. Nonstrategic nuclear weapon reductions and extended deterrence policy.
- Sec. 1038. Unilateral change in nuclear weapons stockpile of the United States.
- Sec. 1039. Expansion of duties and responsibilities of the Nuclear Weapons Council.
- Sec. 1040. Interagency Council on the Strategic Capability of the National Laboratories.
- Sec. 1041. Cost estimates for nuclear weapons.
- Sec. 1042. Prior notification with regard to retirement of strategic delivery systems.
- Sec. 1043. Report on nuclear warheads on intercontinental ballistic missiles of the United States.
- Sec. 1044. Requirements for combined or interoperable warhead for certain missile systems.

- Sec. 1045. Reports on capability of conventional and nuclear forces against certain tunnel sites and on nuclear weapons program of the People's Republic of China.
- Sec. 1046. Report on conventional and nuclear forces in the Western Pacific region.

Subtitle F—Miscellaneous Authorities and Limitations

- Sec. 1051. Expansion of authority of the Secretary of the Army to loan or donate excess non-automatic service rifles for funeral and other ceremonial purposes.
- Sec. 1052. Interagency collaboration on unmanned aircraft systems.
- Sec. 1053. Authority to transfer surplus Mine-Resistant Ambush-Protected vehicles and spare parts.
- Sec. 1054. Notice to Congress of certain Department of Defense nondisclosure agreements.
- Sec. 1055. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.
- Sec. 1056. Authority for short-term extension of lease for aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program.
- Sec. 1057. Rule of construction relating to prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons.
- Sec. 1058. Sense of Congress on the Joint Warfighting Analysis Center.
- Sec. 1059. Limitations on retirement of fixed-wing intra-theater airlift aircraft for general support and time sensitive/mission critical direct support airlift missions of the Department of Defense.

Subtitle G—Studies and Reports

- Sec. 1061. Electronic warfare strategy of the Department of Defense.
- Sec. 1062. Report on counterproliferation capabilities and limitations.
- Sec. 1063. Report on strategic airlift aircraft.
- Sec. 1064. Repeal of biennial report on the Global Positioning System.
- Sec. 1065. Improvements to reports required on acquisition of technology relating to weapons of mass destruction and the threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.
- Sec. 1066. Report on force structure of the United States Army.
- Sec. 1067. Report on planned efficiency initiatives at Space and Naval Warfare Systems Command.
- Sec. 1068. Report on military resources necessary to execute United States Force Posture Strategy in the Asia Pacific Region.
- Sec. 1069. Rialto-Colton Basin, California, water resources study.
- Sec. 1070. Reports on the potential security threat posed by Boko Haram.
- Sec. 1071. Study on the ability of national test and evaluation capabilities to support the maturation of hypersonic technologies for future defense systems development.

Subtitle H—Other Matters

- Sec. 1076. Technical and clerical amendments.
- Sec. 1077. Sense of Congress on recognizing Air Mobility Command on its 20th anniversary.

- Sec. 1078. Dissemination abroad of information about the United States.
- Sec. 1079. Coordination for computer network operations.
- Sec. 1080. Sense of Congress regarding unauthorized disclosures of classified information.
- Sec. 1081. Technical amendments to repeal statutory references to United States Joint Forces Command.
- Sec. 1082. Sense of Congress on non-United States citizens who are graduates of United States educational institutions with advanced degrees in science, technology, engineering, and mathematics.
- Sec. 1083. Scientific framework for recalcitrant cancers.
- Sec. 1084. Protection of veterans' memorials.
- Sec. 1085. Sense of Congress regarding spectrum.
- Sec. 1086. Public Safety Officers' Benefits Program.
- Sec. 1087. Removal of action.
- Sec. 1088. Transport for female genital mutilation.
- Sec. 1089. Amendments to law enforcement officer safety provisions of title 18.
- Sec. 1090. Reauthorization of sale of aircraft and parts for wildfire suppression purposes.
- Sec. 1091. Transfer of excess aircraft to other departments of the Federal Government.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4 (1) AUTHORITY.—Upon determination by the
5 Secretary of Defense that such action is necessary in
6 the national interest, the Secretary may transfer
7 amounts of authorizations made available to the De-
8 partment of Defense in this division for fiscal year
9 2013 between any such authorizations for that fiscal
10 year (or any subdivisions thereof). Amounts of au-
11 thorizations so transferred shall be merged with and
12 be available for the same purposes as the authoriza-
13 tion to which transferred.

14 (2) LIMITATION.—Except as provided in para-
15 graph (3), the total amount of authorizations that

1 the Secretary may transfer under the authority of
2 this section may not exceed \$4,000,000,000.

3 (3) EXCEPTION FOR TRANSFERS BETWEEN
4 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
5 fer of funds between military personnel authoriza-
6 tions under title IV shall not be counted toward the
7 dollar limitation in paragraph (2).

8 (b) LIMITATIONS.—The authority provided by sub-
9 section (a) to transfer authorizations—

10 (1) may only be used to provide authority for
11 items that have a higher priority than the items
12 from which authority is transferred; and

13 (2) may not be used to provide authority for an
14 item that has been denied authorization by Con-
15 gress.

16 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
17 transfer made from one account to another under the au-
18 thority of this section shall be deemed to increase the
19 amount authorized for the account to which the amount
20 is transferred by an amount equal to the amount trans-
21 ferred.

22 (d) NOTICE TO CONGRESS.—The Secretary shall
23 promptly notify Congress of each transfer made under
24 subsection (a).

1 **SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.**

2 The budgetary effects of this Act, for the purposes
3 of complying with the Statutory Pay-As-You-Go Act of
4 2010, shall be determined by reference to the latest state-
5 ment titled “Budgetary Effects of PAYGO Legislation”
6 for this Act, jointly submitted for printing in the Congres-
7 sional Record by the Chairmen of the House and Senate
8 Budget Committees, provided that such statement has
9 been submitted prior to the vote on passage in the House
10 acting first on the conference report or amendment be-
11 tween the Houses.

12 **SEC. 1003. SENSE OF CONGRESS ON NOTICE TO CONGRESS**
13 **ON UNFUNDED PRIORITIES.**

14 It is the sense of Congress that—

15 (1) not later than 45 days after the submittal
16 to Congress of the budget for a fiscal year under
17 section 1105(a) of title 31, United States Code, each
18 officer specified in paragraph (2) should, through
19 the Chairman of the Joint Chiefs of Staff and the
20 Secretary of Defense, submit to the congressional
21 defense committees a list of any priority military
22 programs or activities under the jurisdiction of such
23 officer for which, in the estimate of such officer ad-
24 ditional funds, if available, would substantially re-
25 duce operational or programmatic risk or accelerate

1 the creation or fielding of a critical military capa-
2 bility;

3 (2) the officers specified in this paragraph
4 are—

5 (A) the Chief of Staff of the Army;

6 (B) the Chief of Naval Operations;

7 (C) the Chief of Staff of the Air Force;

8 (D) the Commandant of the Marine Corps;

9 and

10 (E) the Commander of the United States
11 Special Operations Command; and

12 (3) each list, if any, under paragraph (1)
13 should set forth for each military program or activ-
14 ity on such list—

15 (A) a description of such program or activ-
16 ity;

17 (B) a summary description of the justifica-
18 tion for or objectives of additional funds, if
19 available for such program or activity; and

20 (C) the additional amount of funds rec-
21 ommended in connection with the justification
22 or objectives described for such program or ac-
23 tivity under subparagraph (B).

1 **SEC. 1004. AUTHORITY TO TRANSFER FUNDS TO THE NA-**
2 **TIONAL NUCLEAR SECURITY ADMINISTRA-**
3 **TION TO SUSTAIN NUCLEAR WEAPONS MOD-**
4 **ERNIZATION.**

5 (a) **TRANSFER AUTHORIZED.**—If the amount author-
6 ized to be appropriated for the weapons activities of the
7 National Nuclear Security Administration for fiscal year
8 2013 in section 3101 is less than \$7,900,000,000 (the
9 amount projected to be required for such activities in fiscal
10 year 2013 as specified in the report under section 1251
11 of the National Defense Authorization Act for Fiscal Year
12 2010 (Public Law 111–84; 123 Stat. 2549)), the Sec-
13 retary of Defense may transfer, from amounts authorized
14 to be appropriated for the Department of Defense for fis-
15 cal year 2013 pursuant to this Act, to the Secretary of
16 Energy an amount, not to exceed \$150,000,000, to be
17 available only for weapons activities of the National Nu-
18 clear Security Administration.

19 (b) **NOTICE TO CONGRESS.**—In the event of a trans-
20 fer under subsection (a), the Secretary of Defense shall
21 promptly notify Congress of the transfer, and shall include
22 in such notice the Department of Defense account or ac-
23 counts from which funds are transferred.

24 (c) **TRANSFER MECHANISM.**—Any funds transferred
25 under this section shall be transferred in accordance with

1 established procedures for reprogramming under section
2 1001 or successor provisions of law.

3 (d) CONSTRUCTION OF AUTHORITY.—The transfer
4 authority provided under subsection (a) is in addition to
5 any other transfer authority provided under this Act.

6 **SEC. 1005. AUDIT READINESS OF DEPARTMENT OF DE-**
7 **FENSE STATEMENTS OF BUDGETARY RE-**
8 **SOURCES.**

9 (a) OBJECTIVE.—Section 1003(a)(2)(A)(ii) of the
10 National Defense Authorization Act for Fiscal Year 2010
11 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222
12 note) is amended by inserting “, and the statement of
13 budgetary resources of the Department of Defense is vali-
14 dated as ready for audit by not later than September 30,
15 2014” after “September 30, 2017”.

16 (b) AFFORDABLE AND SUSTAINABLE APPROACH.—

17 (1) IN GENERAL.—The Chief Management Offi-
18 cer of the Department of Defense and the Chief
19 Management Officers of each of the military depart-
20 ments shall ensure that plans to achieve an
21 auditable statement of budgetary resources of the
22 Department of Defense by September 30, 2014, in-
23 clude appropriate steps to minimize one-time fixes
24 and manual work-arounds, are sustainable and af-

1 fordable, and will not delay full auditability of finan-
2 cial statements.

3 (2) ADDITIONAL ELEMENTS IN FIAR PLAN RE-
4 PORT.—Each semi-annual report on the Financial
5 Improvement and Audit Readiness Plan of the De-
6 partment of Defense submitted by the Under Sec-
7 retary of Defense (Comptroller) under section
8 1003(b) of the National Defense Authorization Act
9 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
10 2439; 10 U.S.C. 2222 note) during the period begin-
11 ning on the date of the enactment of this Act and
12 ending on September 30, 2014, shall include the fol-
13 lowing:

14 (A) A description of the actions taken by
15 the military departments pursuant to paragraph
16 (1).

17 (B) A determination by the Chief Manage-
18 ment Officer of each military department
19 whether or not such military department is able
20 to achieve an auditable statement of budgetary
21 resources by September 30, 2014, without an
22 unaffordable or unsustainable level of one-time
23 fixes and manual work-arounds and without de-
24 laying the full auditability of the financial state-
25 ments of such military department.

1 (C) If the Chief Management Officer of a
2 military department determines under subpara-
3 graph (B) that the military department is not
4 able to achieve an auditable statement of budg-
5 etary resources by September 30, 2014, as de-
6 scribed in that subparagraph—

7 (i) an explanation why the military
8 department is unable to meet the deadline;

9 (ii) an alternative deadline by which
10 the military department will achieve an
11 auditable statement of budgetary re-
12 sources; and

13 (iii) a description of the plan of the
14 military department for meeting the alter-
15 native deadline.

16 **SEC. 1006. REPORT ON BALANCES CARRIED FORWARD BY**
17 **THE DEPARTMENT OF DEFENSE AT THE END**
18 **OF FISCAL YEAR 2012.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to Congress, and publish on the Internet website of the
22 Department of Defense available to the public, the fol-
23 lowing:

1 (1) The total dollar amount of all balances car-
2 ried forward by the Department of Defense at the
3 end of fiscal year 2012 by account.

4 (2) The total dollar amount of all unobligated
5 balances carried forward by the Department of De-
6 fense at the end of fiscal year 2012 by account.

7 (3) The total dollar amount of any balances
8 (both obligated and unobligated) that have been car-
9 ried forward by the Department of Defense for five
10 years or more as of the end of fiscal year 2012 by
11 account.

12 **SEC. 1007. REPORT ON ELIMINATION AND STREAMLINING**
13 **OF REPORTING REQUIREMENTS, THRESH-**
14 **OLDS, AND STATUTORY AND REGULATORY**
15 **REQUIREMENTS RESULTING FROM UNQUALI-**
16 **FIED AUDIT OPINION OF DEPARTMENT OF**
17 **DEFENSE FINANCIAL STATEMENTS.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Under Secretary of Defense (Comp-
20 troller) shall submit to the congressional defense commit-
21 tees a report setting forth, in the opinion of the Under
22 Secretary, the following:

23 (1) A list of reports currently required by law
24 to be submitted by the Department of Defense to
25 Congress that would be no longer necessary if the fi-

1 nancial statements of the Department of Defense
2 were audited with an unqualified opinion.

3 (2) A list of each statutory and regulatory re-
4 quirement that would be no longer necessary if the
5 financial statements of the Department of defense
6 were audited with an unqualified opinion.

7 (3) A list of each statutory and regulatory re-
8 quirement that could be revised and streamlined if
9 the financial statement of the Department of De-
10 fense were audited with an unqualified opinion.

11 **Subtitle B—Counter-Drug** 12 **Activities**

13 **SEC. 1008. EXTENSION OF THE AUTHORITY TO ESTABLISH**
14 **AND OPERATE NATIONAL GUARD**
15 **COUNTERDRUG SCHOOLS.**

16 Section 901 of the Office of National Drug Control
17 Policy Reauthorization Act of 2006 (Public Law 109–469;
18 120 Stat. 3536; 32 U.S.C. 112 note) is amended—

19 (1) in subsection (c)—

20 (A) by striking paragraph (1) and redesign-
21 ating paragraphs (2) through (5) as para-
22 graphs (1) through (4), respectively; and

23 (B) by adding at the end the following new
24 paragraph:

1 “(5) The Western Regional Counterdrug Train-
2 ing Center, Camp Murray, Washington.”;

3 (2) by striking subsection (f) and inserting the
4 following new subsection (f):

5 “(f) ANNUAL REPORT ON ACTIVITIES.—Not later
6 than February 1 each year, the Secretary of Defense shall
7 submit to Congress a report on the activities of the Na-
8 tional Guard counterdrug schools during the preceding
9 year. Each such report shall set forth a description of the
10 activities of each National Guard counterdrug school for
11 the fiscal year preceding the fiscal year during which the
12 report is submitted, including—

13 “(1) the amount of funding made available and
14 the appropriation account for each National Guard
15 counterdrug school during such fiscal year;

16 “(2) the cumulative amount of funding made
17 available for each National Guard counterdrug
18 school during five fiscal years preceding such fiscal
19 year;

20 “(3) a description of the curriculum and train-
21 ing used at each National Guard counterdrug school;

22 “(4) a description of how the activities con-
23 ducted at each National Guard counterdrug school
24 fulfilled Department of Defense counterdrug mis-
25 sion;

1 “(5) a list of the entities described in subsection
2 (b) whose personnel received training at each Na-
3 tional Guard counterdrug school; and

4 “(6) updates, if any, to the Department of De-
5 fense regulations prescribed under subsection (a).”;
6 and

7 (3) in subsection (g)—

8 (A) in paragraph (1), by striking “There is
9 hereby authorized” and all that follows through
10 “such fiscal year” and inserting the following:
11 “Not more than \$30,000,000 may be expended
12 by the Secretary of Defense for purposes of the
13 National Guard counterdrug schools in any fis-
14 cal year”; and

15 (B) in paragraph (2), by striking “amount
16 authorized to be appropriated by paragraph
17 (1)” and inserting “amount expended pursuant
18 to paragraph (1)”.

19 **SEC. 1009. BIENNIAL REPORTS ON USE OF FUNDS IN THE**
20 **DRUG INTERDICTION AND COUNTER-DRUG**
21 **ACTIVITIES, DEFENSE-WIDE ACCOUNT.**

22 (a) BIENNIAL REPORTS ON EXPENDITURES OF
23 FUNDS.—Not later than 60 days after the end of the first
24 half of a fiscal year and after the end of the second half
25 of a fiscal year, the Secretary of Defense shall submit to

1 the congressional defense committees a report setting
2 forth a description of the expenditure of funds, by project
3 code, from the Drug Interdiction and Counter-Drug Ac-
4 tivities, Defense-wide account during such half of the fis-
5 cal year, including expenditures of funds in direct or indi-
6 rect support of the counter-drug activities of foreign gov-
7 ernments.

8 (b) INFORMATION ON SUPPORT OF COUNTER-DRUG
9 ACTIVITIES OF FOREIGN GOVERNMENTS.—The informa-
10 tion in a report under subsection (a) on direct or indirect
11 support of the counter-drug activities of foreign govern-
12 ments shall include, for each foreign government so sup-
13 ported, the following:

14 (1) The total amount of assistance provided to,
15 or expended on behalf of, the foreign government.

16 (2) A description of the types of counter-drug
17 activities conducted using the assistance.

18 (3) An explanation of the legal authority under
19 which the assistance was provided.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “first half of a fiscal year” means
22 the period beginning on October 1 of any year and
23 ending on March 31 of the following year.

1 (2) The term “second half of a fiscal year”
2 means the period beginning on April 1 of any year
3 and ending on September 30 of such year.

4 (d) CESSATION OF REQUIREMENT.—No report shall
5 be required under subsection (a) for any half of a fiscal
6 year beginning on or after October 1, 2017.

7 (e) REPEAL OF OBSOLETE AUTHORITY.—Section
8 1022 of the Floyd D. Spence National Defense Authoriza-
9 tion Act for Fiscal Year 2001 (as enacted into law by Pub-
10 lic Law 106–398) is hereby repealed.

11 **SEC. 1010. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
12 **FIED COUNTER-DRUG AND**
13 **COUNTERTERRORISM CAMPAIGN IN COLOM-**
14 **BIA.**

15 Section 1021 of the Ronald W. Reagan National De-
16 fense Authorization Act for Fiscal Year 2005 (Public Law
17 108–375; 118 Stat. 2042), as most recently amended by
18 section 1007 of the National Defense Authorization Act
19 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
20 1558), is amended—

21 (1) in subsection (a), by striking “2012” and
22 inserting “2013”; and

23 (2) in subsection (e), by striking “2012” and
24 inserting “2013”.

1 **SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK**
2 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
3 **FORCEMENT AGENCIES CONDUCTING**
4 **COUNTER-TERRORISM ACTIVITIES.**

5 Section 1022(b) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2004 (Public Law 108–136; 117
7 Stat. 1594; 10 U.S.C. 371 note) is amended by striking
8 “2012” and inserting “2013”.

9 **SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION**
10 **ON PROVISION OF SUPPORT FOR COUNTER-**
11 **DRUG ACTIVITIES TO CERTAIN FOREIGN**
12 **GOVERNMENTS.**

13 Section 1033 of the National Defense Authorization
14 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
15 1881), as most recently amended by section 1006 of the
16 National Defense Authorization Act for Fiscal Year 2012
17 (Public Law 112–81; 125 Stat. 1557), is further amend-
18 ed—

19 (1) in subsection (f)(1), by striking “the written
20 certification described in subsection (g) for that fis-
21 cal year.” and inserting “a written certification de-
22 scribed in subsection (g) applicable to that fiscal
23 year. The first such certification with respect to any
24 such government may apply only to a period of one
25 fiscal year. Subsequent certifications with respect to

1 any such government may apply to a period of not
2 to exceed two fiscal years.”; and

3 (2) in subsection (g), in the matter preceding
4 paragraph (1)—

5 (A) by striking “The written” and insert-
6 ing “A written”; and

7 (B) by striking “for a fiscal year” and all
8 that follows through the colon and inserting
9 “for a government to receive support under this
10 section for any period of time is a certification
11 of each of the following with respect to that
12 government.”.

13 **Subtitle C—Naval Vessels and** 14 **Shipyards**

15 **SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VES-**
16 **SELS OF THE STRIKE FORCES OF THE**
17 **UNITED STATES NAVY.**

18 Section 1012(b) of the National Defense Authoriza-
19 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
20 Stat. 303), as most recently amended by section 1015 of
21 the Duncan Hunter National Defense Authorization Act
22 for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
23 4586), is amended by striking “Secretary of Defense” and
24 all that follows through the period and inserting the fol-
25 lowing: “Secretary of the Navy notifies the congressional

1 defense committees that, as a result of a cost-benefit anal-
2 ysis, it would not be practical for the Navy to design the
3 class of ships with an integrated nuclear power system.”.

4 **SEC. 1014. LIMITATION ON AVAILABILITY OF FUNDS FOR**
5 **DELAYED ANNUAL NAVAL VESSEL CON-**
6 **STRUCTION PLAN.**

7 (a) IN GENERAL.—Section 231 of title 10, United
8 States Code, is amended—

9 (1) by redesignating subsection (e) as sub-
10 section (f); and

11 (2) by inserting after subsection (d) the fol-
12 lowing new subsection (e):

13 “(e) LIMITATION ON AVAILABILITY OF FUNDS FOR
14 FISCAL YEARS WITHOUT PLAN AND CERTIFICATION.—

15 (1) If the Secretary of Defense does not include with the
16 defense budget materials for a fiscal year the plan and
17 certification under subsection (a), the Secretary of the
18 Navy may not use more than 50 percent of the funds de-
19 scribed in paragraph (2) during the fiscal year in which
20 such materials are submitted until the date on which such
21 plan and certification are submitted to the congressional
22 defense committees.

23 “(2) The funds described in this paragraph are funds
24 made available to the Secretary of the Navy for operation

1 and maintenance, Navy, for emergencies and extraor-
2 dinary expenses.”.

3 (b) CONFORMING AMENDMENT.—Section 12304b(i)
4 of title 10, United States Code, is amended by striking
5 “section 231(g)(2)” and inserting “section 231(f)(2)”.

6 **SEC. 1015. RETIREMENT OF NAVAL VESSELS.**

7 (a) REPORT REQUIRED.—Not later than 30 days
8 after the date of the enactment of this Act, the Chief of
9 Naval Operations shall submit to the congressional de-
10 fense committees a report that sets forth a comprehensive
11 description of the current requirements of the Navy for
12 combatant vessels of the Navy, including submarines.

13 (b) ADDITIONAL REPORT ELEMENT IF LESS THAN
14 313 VESSELS REQUIRED.—If the number of combatant
15 vessels for the Navy (including submarines) specified as
16 being required in the report under subsection (a) is less
17 than 313 combatant vessels, the report shall include a jus-
18 tification for the number of vessels specified as being so
19 required and the rationale by which the number of vessels
20 is considered consistent with applicable strategic guidance
21 issued by the President and the Secretary of Defense in
22 2012.

23 **SEC. 1016. TERMINATION OF A MARITIME PREPOSITIONING**
24 **SHIP SQUADRON.**

25 (a) REPORT REQUIRED.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of the enactment of this Act, the Chief of
3 Naval Operations and the Commandant of the Ma-
4 rine Corps shall jointly submit to the congressional
5 defense committees a report setting forth an assess-
6 ment of the Marine Corps Prepositioning Program—
7 Norway and the capability of that program to ad-
8 dress any readiness gaps that will be created by the
9 termination of Maritime Prepositioning Ship Squad-
10 ron One in the Mediterranean.

11 (2) ELEMENTS.—The report required by para-
12 graph (1) shall include the following:

13 (A) A detailed description of the time re-
14 quired to transfer stockpiles onto naval vessels
15 for use in contingency operations.

16 (B) A comparison of the response time of
17 the Marine Corps Prepositioning Program—Nor-
18 way with the response time of Maritime
19 Prepositioning Ship Squadron One.

20 (C) A description of the equipment stored
21 in the stockpiles of the Marine Corps
22 Prepositioning Program—Norway, the dif-
23 ferences (if any) between that equipment and
24 the equipment of a Maritime Prepositioning
25 Ship squadron, and any increased risk or oper-

1 (2) More than 80 percent of the population of
2 the world lives within 100 miles of an ocean.

3 (3) More than 90 percent of the world's com-
4 merce traverses an ocean.

5 (4) The national security of the United States
6 is inextricably linked to the maintenance of global
7 freedom of access for both the strategic and com-
8 mercial interests of the United States.

9 (5) To maintain that freedom of access the sea
10 services of the United States, composed of the Navy,
11 the Marine Corps, and the Coast Guard, must be
12 sufficiently positioned as rotationally globally
13 deployable forces with the capability to decisively de-
14 fend United States citizens, homeland, and interests
15 abroad from direct or asymmetric attack and must
16 be comprised of sufficient vessels to maintain global
17 freedom of action.

18 (6) To achieve appropriate capabilities to en-
19 sure national security, the Government of the United
20 States must continue to recapitalize the fleets of the
21 Navy and Coast Guard and must continue to con-
22 duct vital maintenance and repair of existing vessels
23 to ensure such vessels meet service life goals.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) the sea services of the United States should
2 be funded and maintained to provide the broad spec-
3 trum of capabilities required to protect the national
4 security of the United States;

5 (2) such capabilities should include—

6 (A) the ability to project United States
7 power rapidly anywhere on the globe without
8 the need for host nation basing permission or
9 long and potentially vulnerable logistics supply
10 lines;

11 (B) the ability to land and recover mari-
12 time forces from the sea for direct combat ac-
13 tion, to evacuate United States citizens from
14 hostile situations, and to provide humanitarian
15 assistance where needed;

16 (C) the ability to operate from the sub-
17 surface with overpowering conventional combat
18 power, as well as strategic deterrence; and

19 (D) the ability to operate in collaboration
20 with United States maritime partners in the
21 common interest of preventing piracy at sea
22 and maintaining the commercial sea lanes avail-
23 able for global commerce;

24 (3) the Secretary of Defense, in coordination
25 with the Secretary of the Navy, should maintain the

1 recapitalization plans for the Navy as a priority in
2 all future force structure decisions; and

3 (4) the Secretary of Homeland Security should
4 maintain the recapitalization plans for the Coast
5 Guard as a priority in all future force structure deci-
6 sions.

7 **SEC. 1018. NOTICE TO CONGRESS FOR THE REVIEW OF**
8 **PROPOSALS TO NAME NAVAL VESSELS.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) The Navy traces its ancestry to October 13,
12 1775, when an Act of the Continental Congress au-
13 thorized the first vessel of a navy for the United
14 Colonies. Vessels of the Continental Navy were
15 named for early patriots and military heroes, Fed-
16 eral institutions, colonial cities, and positive char-
17 acter traits representative of naval and military vir-
18 tues.

19 (2) An Act of Congress on March 3, 1819,
20 made the Secretary of the Navy responsible for as-
21 signing names to vessels of the Navy. Traditional
22 sources for vessel names customarily encompassed
23 such categories as geographic locations in the United
24 States; historic sites, battles, and ships; naval and
25 military heroes and leaders; and noted individuals

1 who made distinguished contributions to United
2 States national security.

3 (3) These customs and traditions provide ap-
4 propriate and necessary standards for the naming of
5 vessels of the Navy.

6 (b) NOTICE TO CONGRESS.—Section 7292 of title 10,
7 United States Code, is amended by adding at the end the
8 following new subsection:

9 “(d)(1) The Secretary of the Navy may not announce
10 or implement any proposal to name a vessel of the Navy
11 until 30 days after the date on which the Secretary sub-
12 mits to the Committees on Armed Services of the Senate
13 and the House of Representatives a report setting forth
14 such proposal.

15 “(2) Each report under this subsection shall describe
16 the justification for the proposal covered by such report
17 in accordance with the standards referred to in section
18 1024(a) of the National Defense Authorization Act for
19 Fiscal Year 2013.”.

20 (c) EFFECTIVE DATE.—This section and the amend-
21 ment made by this section shall go into effect on the date
22 that is 30 days after the date of the enactment of this
23 Act.

1 **Subtitle D—Counterterrorism**

2 **SEC. 1021. EXTENSION OF AUTHORITY TO MAKE REWARDS**
3 **FOR COMBATING TERRORISM.**

4 (a) EXTENSION.—Section 127b(e)(3)(C) of title 10,
5 United States Code, is amended by striking “September
6 30, 2013” and inserting “September 30, 2014”.

7 (b) REPORT TO CONGRESS.—Not later than 180 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense shall submit to the congressional defense com-
10 mittees a report that outlines the future requirements and
11 authorities to make rewards for combating terrorism. The
12 report shall include—

13 (1) an analysis of future requirements under
14 section 127b of title 10, United States Code;

15 (2) a detailed description of requirements for
16 rewards in support of operations with allied forces;
17 and

18 (3) an overview of geographic combatant com-
19 mander requirements through September 30, 2014.

1 **SEC. 1022. PROHIBITION ON USE OF FUNDS TO CONSTRUCT**
2 **OR MODIFY FACILITIES IN THE UNITED**
3 **STATES TO HOUSE DETAINEES TRANS-**
4 **FERRED FROM UNITED STATES NAVAL STA-**
5 **TION, GUANTANAMO BAY, CUBA.**

6 (a) IN GENERAL.—No amounts authorized to be ap-
7 propriated or otherwise made available to the Department
8 of Defense for fiscal year 2013 may be used to construct
9 or modify any facility in the United States, its territories,
10 or possessions to house any individual detained at Guanta-
11 namo for the purposes of detention or imprisonment in
12 the custody or under the control of the Department of De-
13 fense unless authorized by Congress.

14 (b) EXCEPTION.—The prohibition in subsection (a)
15 shall not apply to any modification of facilities at United
16 States Naval Station, Guantanamo Bay, Cuba.

17 (c) INDIVIDUAL DETAINED AT GUANTANAMO DE-
18 FINED.—In this section, the term “individual detained at
19 Guantanamo” has the meaning given that term in section
20 1028(f)(2).

21 **SEC. 1023. REPORT ON RECIDIVISM OF INDIVIDUALS DE-**
22 **TAINED AT UNITED STATES NAVAL STATION,**
23 **GUANTANAMO BAY, CUBA, WHO HAVE BEEN**
24 **TRANSFERRED TO FOREIGN COUNTRIES.**

25 (a) REPORT REQUIRED.—Not later than 60 days
26 after the date of the enactment of this Act, and annually

1 thereafter for five years, the Director of the Defense Intel-
2 ligence Agency, in consultation with the head of each ele-
3 ment of the intelligence community that the Director con-
4 siders appropriate, shall submit to the covered congress-
5 sional committees a report assessing the factors that cause
6 or contribute to the recidivism of individuals detained at
7 Guantanamo who are transferred or released to a foreign
8 country. Such report shall include—

9 (1) a discussion of trends, by country and re-
10 gion, where recidivism has occurred; and

11 (2) an assessment of the implementation by for-
12 eign countries of the international arrangements re-
13 lating to the transfer or release of individuals de-
14 tained at Guantanamo reached between the United
15 States and each foreign country to which an indi-
16 vidual detained at Guantanamo has been transferred
17 or released.

18 (b) FORM.—The report required under subsection (a)
19 may be submitted in classified form.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “covered congressional commit-
22 tees” means—

23 (A) the Committee on Armed Services, the
24 Committee on Foreign Affairs, and the Perma-

1 nent Select Committee on Intelligence of the
2 House of Representatives; and

3 (B) the Committee on Armed Services, the
4 Committee on Foreign Relations, and the Select
5 Committee on Intelligence of the Senate.

6 (2) The term “individual detained at Guanta-
7 namo” means any individual who is or was located
8 at United States Naval Station, Guantanamo Bay,
9 Cuba, who—

10 (A) is not a citizen of the United States or
11 a member of the Armed Forces of the United
12 States; and

13 (B) on or after January 1, 2002, was—

14 (i) in the custody or under the control
15 of the Department of Defense; or

16 (ii) otherwise under detention at
17 United States Naval Station, Guantanamo
18 Bay, Cuba.

19 **SEC. 1024. NOTICE AND REPORT ON USE OF NAVAL VES-**
20 **SELS FOR DETENTION OF INDIVIDUALS CAP-**
21 **TURED OUTSIDE AFGHANISTAN PURSUANT**
22 **TO THE AUTHORIZATION FOR USE OF MILI-**
23 **TARY FORCE.**

24 (a) NOTICE TO CONGRESS.—Not later than 30 days
25 after first detaining an individual pursuant to the Author-

1 ization for Use of Military Force (Public Law 107–40; 50
2 U.S.C. 1541 note) on a naval vessel outside the United
3 States, the Secretary of Defense shall submit to the Com-
4 mittees on Armed Services of the Senate and House of
5 Representatives notice of the detention. In the case of such
6 an individual who is transferred or released before the sub-
7 mittal of the notice of the individual’s detention, the Sec-
8 retary shall also submit to such Committees notice of the
9 transfer or release.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of the enactment of this Act, the Secretary
13 of Defense shall submit to the Committees on Armed
14 Services of the Senate and House of Representatives
15 a report on the use of naval vessels for the detention
16 outside the United States of any individual who is
17 detained pursuant to the Authorization for Use of
18 Military Force (Public Law 107–40; 50 U.S.C. 1541
19 note). Such report shall include—

20 (A) procedures and any limitations on de-
21 taining such individuals at sea on board United
22 States naval vessels;

23 (B) an assessment of any force protection
24 issues associated with detaining such individ-
25 uals on such vessels;

1 (C) an assessment of the likely effect of
2 such detentions on the original mission of such
3 naval vessels; and

4 (D) any restrictions on long-term detention
5 of individuals on United States naval vessels.

6 (2) FORM OF REPORT.—The report required
7 under paragraph (1) may be submitted in classified
8 form.

9 **SEC. 1025. NOTICE REQUIRED PRIOR TO TRANSFER OF**
10 **CERTAIN INDIVIDUALS DETAINED AT THE**
11 **DETENTION FACILITY AT PARWAN, AFGHANI-**
12 **STAN.**

13 (a) NOTICE REQUIRED.—The Secretary of Defense
14 shall submit to the appropriate congressional committees
15 notice in writing of the proposed transfer of any individual
16 detained pursuant to the Authorization for Use of Military
17 Force (Public Law 107–40; 50 U.S.C. 1541 note) who is
18 a national of a country other than the United States or
19 Afghanistan from detention at the Detention Facility at
20 Parwan, Afghanistan, to the custody of the Government
21 of Afghanistan or of any other country. Such notice shall
22 be provided not later than 10 days before such a transfer
23 may take place.

1 (b) ASSESSMENTS REQUIRED.—Prior to any transfer
2 referred to under subsection (a), the Secretary shall en-
3 sure that an assessment is conducted as follows:

4 (1) In the case of the proposed transfer of such
5 an individual by reason of the individual being re-
6 leased, an assessment of the threat posed by the in-
7 dividual and the security environment of the country
8 to which the individual is to be transferred.

9 (2) In the case of the proposed transfer of such
10 an individual to a country other than Afghanistan
11 for the purpose of the prosecution of the individual,
12 an assessment regarding the capacity, willingness,
13 and historical track record of the country with re-
14 spect to prosecuting similar cases, including a review
15 of the primary evidence against the individual to be
16 transferred and any significant admissibility issues
17 regarding such evidence that are expected to arise in
18 connection with the prosecution of the individual.

19 (3) In the case of the proposed transfer of such
20 an individual for reintegration or rehabilitation in a
21 country other than Afghanistan, an assessment re-
22 garding the capacity, willingness, and historical
23 track records of the country for reintegrating or re-
24 habilitating similar individuals.

1 (b) FORM.—The report required under subsection (a)
2 may be submitted in classified form.

3 (c) RELEVANT CONGRESSIONAL COMMITTEES DE-
4 FINED.—In this section, the term “relevant congressional
5 committees” means—

6 (1) the Committee on Armed Services and the
7 Committee on Foreign Relations of the Senate; and

8 (2) the Committee on Armed Services and the
9 Committee on Foreign Affairs of the House of Rep-
10 resentatives.

11 **SEC. 1027. PROHIBITION ON THE USE OF FUNDS FOR THE**
12 **TRANSFER OR RELEASE OF INDIVIDUALS DE-**
13 **TAINED AT UNITED STATES NAVAL STATION,**
14 **GUANTANAMO BAY, CUBA.**

15 None of the funds authorized to be appropriated by
16 this Act for fiscal year 2013 may be used to transfer, re-
17 lease, or assist in the transfer or release to or within the
18 United States, its territories, or possessions of Khalid
19 Sheikh Mohammed or any other detainee who—

20 (1) is not a United States citizen or a member
21 of the Armed Forces of the United States; and

22 (2) is or was held on or after January 20,
23 2009, at United States Naval Station, Guantanamo
24 Bay, Cuba, by the Department of Defense.

1 **SEC. 1028. REQUIREMENTS FOR CERTIFICATIONS RELAT-**
2 **ING TO THE TRANSFER OF DETAINEES AT**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA, TO FOREIGN COUNTRIES**
5 **AND OTHER FOREIGN ENTITIES.**

6 (a) CERTIFICATION REQUIRED PRIOR TO TRANS-
7 FER.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2) and subsection (d), the Secretary of De-
10 fense may not use any amounts authorized to be ap-
11 propriated or otherwise available to the Department
12 of Defense for fiscal year 2013 to transfer any indi-
13 vidual detained at Guantanamo to the custody or
14 control of the individual's country of origin, any
15 other foreign country, or any other foreign entity
16 unless the Secretary submits to Congress the certifi-
17 cation described in subsection (b) not later than 30
18 days before the transfer of the individual.

19 (2) EXCEPTION.—Paragraph (1) shall not
20 apply to any action taken by the Secretary to trans-
21 fer any individual detained at Guantanamo to effec-
22 tuate an order affecting the disposition of the indi-
23 vidual that is issued by a court or competent tri-
24 bunal of the United States having lawful jurisdiction
25 (which the Secretary shall notify Congress of
26 promptly after issuance).

1 (b) CERTIFICATION.—A certification described in this
2 subsection is a written certification made by the Secretary
3 of Defense, with the concurrence of the Secretary of State
4 and in consultation with the Director of National Intel-
5 ligence, that—

6 (1) the government of the foreign country or
7 the recognized leadership of the foreign entity to
8 which the individual detained at Guantanamo is to
9 be transferred—

10 (A) is not a designated state sponsor of
11 terrorism or a designated foreign terrorist orga-
12 nization;

13 (B) maintains control over each detention
14 facility in which the individual is to be detained
15 if the individual is to be housed in a detention
16 facility;

17 (C) is not, as of the date of the certifi-
18 cation, facing a threat that is likely to substan-
19 tially affect its ability to exercise control over
20 the individual;

21 (D) has taken or agreed to take effective
22 actions to ensure that the individual cannot
23 take action to threaten the United States, its
24 citizens, or its allies in the future;

1 (E) has taken or agreed to take such ac-
2 tions as the Secretary of Defense determines
3 are necessary to ensure that the individual can-
4 not engage or reengage in any terrorist activity;
5 and

6 (F) has agreed to share with the United
7 States any information that—

8 (i) is related to the individual or any
9 associates of the individual; and

10 (ii) could affect the security of the
11 United States, its citizens, or its allies; and

12 (2) includes an assessment, in classified or un-
13 classified form, of the capacity, willingness, and past
14 practices (if applicable) of the foreign country or en-
15 tity in relation to the Secretary's certifications.

16 (c) PROHIBITION IN CASES OF PRIOR CONFIRMED
17 RECIDIVISM.—

18 (1) PROHIBITION.—Except as provided in para-
19 graph (2) and subsection (d), the Secretary of De-
20 fense may not use any amounts authorized to be ap-
21 propriated or otherwise made available to the De-
22 partment of Defense to transfer any individual de-
23 tained at Guantanamo to the custody or control of
24 the individual's country of origin, any other foreign
25 country, or any other foreign entity if there is a con-

1 firmed case of any individual who was detained at
2 United States Naval Station, Guantanamo Bay,
3 Cuba, at any time after September 11, 2001, who
4 was transferred to such foreign country or entity
5 and subsequently engaged in any terrorist activity.

6 (2) EXCEPTION.—Paragraph (1) shall not
7 apply to any action taken by the Secretary to trans-
8 fer any individual detained at Guantanamo to effec-
9 tuate an order affecting the disposition of the indi-
10 vidual that is issued by a court or competent tri-
11 bunal of the United States having lawful jurisdiction
12 (which the Secretary shall notify Congress of
13 promptly after issuance).

14 (d) NATIONAL SECURITY WAIVER.—

15 (1) IN GENERAL.—The Secretary of Defense
16 may waive the applicability to a detainee transfer of
17 a certification requirement specified in subparagraph
18 (D) or (E) of subsection (b)(1) or the prohibition in
19 subsection (c), if the Secretary certifies the rest of
20 the criteria required by subsection (b) for transfers
21 prohibited by (c) and, with the concurrence of the
22 Secretary of State and in consultation with the Di-
23 rector of National Intelligence, determines that—

1 (A) alternative actions will be taken to ad-
2 dress the underlying purpose of the requirement
3 or requirements to be waived;

4 (B) in the case of a waiver of subpara-
5 graph (D) or (E) of subsection (b)(1), it is not
6 possible to certify that the risks addressed in
7 the paragraph to be waived have been com-
8 pletely eliminated, but the actions to be taken
9 under subparagraph (A) will substantially miti-
10 gate such risks with regard to the individual to
11 be transferred;

12 (C) in the case of a waiver of subsection
13 (c), the Secretary has considered any confirmed
14 case in which an individual who was transferred
15 to the country subsequently engaged in terrorist
16 activity, and the actions to be taken under sub-
17 paragraph (A) will substantially mitigate the
18 risk of recidivism with regard to the individual
19 to be transferred; and

20 (D) the transfer is in the national security
21 interests of the United States.

22 (2) REPORTS.—Whenever the Secretary makes
23 a determination under paragraph (1), the Secretary
24 shall submit to the appropriate committees of Con-

1 gress, not later than 30 days before the transfer of
2 the individual concerned, the following:

3 (A) A copy of the determination and the
4 waiver concerned.

5 (B) A statement of the basis for the deter-
6 mination, including—

7 (i) an explanation why the transfer is
8 in the national security interests of the
9 United States;

10 (ii) in the case of a waiver of para-
11 graph (D) or (E) of subsection (b)(1), an
12 explanation why it is not possible to certify
13 that the risks addressed in the paragraph
14 to be waived have been completely elimi-
15 nated; and

16 (iii) a classified summary of—

17 (I) the individual's record of co-
18 operation while in the custody of or
19 under the effective control of the De-
20 partment of Defense; and

21 (II) the agreements and mecha-
22 nisms in place to provide for con-
23 tinuing cooperation.

24 (C) A summary of the alternative actions
25 to be taken to address the underlying purpose

1 of, and to mitigate the risks addressed in, the
2 paragraph or subsection to be waived.

3 (D) The assessment required by subsection
4 (b)(2).

5 (e) RECORD OF COOPERATION.—In assessing the risk
6 that an individual detained at Guantanamo will engage in
7 terrorist activity or other actions that could affect the se-
8 curity of the United States if released for the purpose of
9 making a certification under subsection (b) or a waiver
10 under subsection (d), the Secretary of Defense may give
11 favorable consideration to any such individual—

12 (1) who has substantially cooperated with
13 United States intelligence and law enforcement au-
14 thorities, pursuant to a pre-trial agreement, while in
15 the custody of or under the effective control of the
16 Department of Defense; and

17 (2) for whom agreements and effective mecha-
18 nisms are in place, to the extent relevant and nec-
19 essary, to provide for continued cooperation with
20 United States intelligence and law enforcement au-
21 thorities.

22 (f) DEFINITIONS.—In this section:

23 (1) The term “appropriate committees of Con-
24 gress” means—

1 (A) the Committee on Armed Services, the
2 Committee on Appropriations, and the Select
3 Committee on Intelligence of the Senate; and

4 (B) the Committee on Armed Services, the
5 Committee on Appropriations, and the Perma-
6 nent Select Committee on Intelligence of the
7 House of Representatives.

8 (2) The term “individual detained at Guanta-
9 namo” means any individual located at United
10 States Naval Station, Guantanamo Bay, Cuba, as of
11 October 1, 2009, who—

12 (A) is not a citizen of the United States or
13 a member of the Armed Forces of the United
14 States; and

15 (B) is—

16 (i) in the custody or under the control
17 of the Department of Defense; or

18 (ii) otherwise under detention at
19 United States Naval Station, Guantanamo
20 Bay, Cuba.

21 (3) The term “foreign terrorist organization”
22 means any organization so designated by the Sec-
23 retary of State under section 219 of the Immigra-
24 tion and Nationality Act (8 U.S.C. 1189).

1 **SEC. 1029. RIGHTS UNAFFECTED.**

2 Nothing in the Authorization for Use of Military
3 Force (Public Law 107–40; 50 U.S.C. 1541 note) or the
4 National Defense Authorization Act for Fiscal Year 2012
5 (Public Law 112–81) shall be construed to deny the avail-
6 ability of the writ of habeas corpus or to deny any Con-
7 stitutional rights in a court ordained or established by or
8 under Article III of the Constitution to any person inside
9 the United States who would be entitled to the availability
10 of such writ or to such rights in the absence of such laws.

1 **Subtitle E—Nuclear Forces**

2 **SEC. 1031. NUCLEAR WEAPONS EMPLOYMENT STRATEGY**
3 **OF THE UNITED STATES.**

4 (a) REPORTS ON STRATEGY.—Section 491 of title 10,
5 United States Code, is—

6 (1) transferred to chapter 24 of such title, as
7 added by subsection (b)(1); and

8 (2) amended—

9 (A) in the heading, by inserting “**weap-**
10 **ons**” after “**Nuclear**”;

11 (B) by striking “nuclear employment strat-
12 egy” each place it appears and inserting “nu-
13 clear weapons employment strategy”;

14 (C) in paragraph (1)—

15 (i) by inserting “the” after “modifica-
16 tions to”; and

17 (ii) by inserting “, plans, and options”
18 after “employment strategy”;

19 (D) by inserting after paragraph (3) the
20 following new paragraph:

21 “(4) The extent to which such modifications in-
22 clude an increased reliance on conventional or non-
23 nuclear global strike capabilities or missile defenses
24 of the United States.”;

1 (E) by striking “On the date” and insert-
2 ing “(a) REPORTS.—On the date”; and

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

5 “(b) ANNUAL BRIEFINGS.—Not later than March 15
6 of each year, the Secretary of Defense shall provide to the
7 congressional defense committees a briefing regarding the
8 nuclear weapons employment strategy, plans, and options
9 of the United States.

10 “(c) NOTIFICATION OF ANOMALIES.—(1) The Sec-
11 retary of Defense shall submit to the congressional defense
12 committees written notification of an anomaly in the nu-
13 clear command, control, and communications system of
14 the United States that is reported to the Secretary of De-
15 fense or the Nuclear Weapons Council by not later than
16 14 days after the date on which the Secretary or the Coun-
17 cil learns of such anomaly, as the case may be.

18 “(2) In this subsection, the term ‘anomaly’ means
19 any unplanned, irregular, or abnormal event, whether un-
20 explained or caused intentionally or unintentionally by a
21 person or a system.”.

22 (b) CLERICAL AND CONFORMING AMENDMENTS.—

23 (1) CHAPTER 24.—Part I of subtitle A of title
24 10, United States Code, is amended by adding at
25 the end the following new chapter:

1 Year 2012 (Public Law 112–81; 50 U.S.C.
2 2514) is—

3 (i) transferred to chapter 24 of title
4 10, United States Code, as added by para-
5 graph (1);

6 (ii) inserted after section 492 of such
7 title, as added by subparagraph (A)(i);

8 (iii) redesignated as section 493; and

9 (iv) amended by striking “the date of
10 the enactment of this Act” and inserting
11 “December 31, 2011,”.

12 (III) by striking “the date of the
13 enactment of this Act” and inserting
14 “December 31, 2011,”.

15 (C) CLERICAL AMENDMENTS.—

16 (i) TABLE OF SECTIONS.—The table
17 of sections at the beginning of chapter 24
18 of title 10, United States Code, as added
19 by paragraph (1), is amended by inserting
20 after the item relating to section 491 the
21 following new items:

“492. Biennial assessment and report on the delivery platforms for nuclear
weapons and the nuclear command and control system.

“493. Reports to Congress on the modification of the force structure for the
strategic nuclear weapons delivery systems of the United
States.”.

22 (ii) SECTION HEADING TYPEFACE AND
23 TYPESTYLE.—Section 493 of title 10,

1 United States Code, as added by subpara-
2 graph (B), is amended—

3 (I) in the enumerator, by striking
4 “**SEC.**” and inserting “§”; and

5 (II) in the section heading—

6 (aa) by striking the period
7 at the end; and

8 (bb) by conforming the type-
9 face and typestyle, including cap-
10 italization, to the typeface and
11 typestyle as used in the section
12 heading of section 491 of such
13 title.

14 (4) CONFORMING AMENDMENT.—section
15 1031(b) of the National Defense Authorization Act
16 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
17 1574) is amended by striking “section 490a of title
18 10, United States Code, as added by subsection
19 (a),” and inserting “section 492 of title 10, United
20 States Code,”.

21 **SEC. 1032. PROGRESS OF MODERNIZATION.**

22 (a) NUCLEAR EMPLOYMENT STRATEGY.—Subsection
23 (a) of section 491 of title 10, United States Code, as
24 amended by section 1031, is amended by striking “On the
25 date on which the President issues” and inserting “By not

1 later than 60 days before the date on which the President
2 implements”.

3 (b) REPORTS REQUIRED.—Such section 491 is fur-
4 ther amended by adding at the end the following:

5 “(d) REPORTS ON 2010 NUCLEAR POSTURE REVIEW
6 IMPLEMENTATION STUDY DECISIONS.—During each of
7 fiscal years 2012 through 2021, not later than 60 days
8 before the date on which the President carries out the re-
9 sults of the decisions made pursuant to the 2010 Nuclear
10 Posture Review Implementation Study that would alter
11 the nuclear weapons employment strategy, guidance,
12 plans, or options of the United States, the President
13 shall—

14 “(1) ensure that the annual report required
15 under section 1043(a)(1) of the National Defense
16 Authorization Act for Fiscal Year 2012 (Public Law
17 112–81; 125 Stat. 1576) is transmitted to Congress,
18 if so required;

19 “(2) ensure that the report required under sec-
20 tion 494(a)(2)(A) of this title is transmitted to Con-
21 gress, if so required under such section; and

22 “(3) transmit to the congressional defense com-
23 mittees a report providing the high-, medium-, and
24 low- confidence assessments of the intelligence com-
25 munity (as defined in section 3(4) of the National

1 Security Act of 1947 (50 U.S.C. 401a(4)) as to
2 whether the United States will have significant
3 warning of a strategic surprise or breakout caused
4 by foreign nuclear weapons developments.”.

5 **SEC. 1033. REPORT IN THE EVENT OF INSUFFICIENT FUND-**
6 **ING FOR MODERNIZATION OF NUCLEAR**
7 **WEAPONS STOCKPILE.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) consistent with Condition 9 of the Resolu-
11 tion of Advice and Consent to Ratification of the
12 New START Treaty of the Senate, agreed to on De-
13 cember 22, 2010, the United States is committed to
14 ensuring the safety, security, reliability, and credi-
15 bility of its nuclear forces; and

16 (2) the United States is committed to—

17 (A) proceeding with a robust stockpile
18 stewardship program and maintaining and mod-
19 ernizing nuclear weapons production capabilities
20 and capacities of the United States to ensure
21 the safety, security, reliability, and credibility of
22 the nuclear arsenal of the United States at the
23 New START Treaty levels and meeting require-
24 ments for hedging against possible international
25 developments or technical problems;

1 (B) reinvigorating and sustaining the nu-
2 clear security laboratories of the United States
3 and preserving the core nuclear weapons com-
4 petencies therein; and

5 (C) providing the resources needed to
6 achieve these objectives, using as a starting
7 point the levels set forth in the President's 10-
8 year plan provided to Congress in November
9 2010 pursuant to section 1251 of the National
10 Defense Authorization Act for Fiscal Year 2010
11 (Public Law 111-84; 123 Stat. 2549).

12 (b) INSUFFICIENT FUNDING REPORT.—

13 (1) IN GENERAL.—Section 1045 of the Na-
14 tional Defense Authorization Act for Fiscal Year
15 2012 (Public Law 112-81; 50 U.S.C. 2523b) is—

16 (A) transferred to chapter 24 of title 10,
17 United States Code, as added by section
18 1031(b);

19 (B) inserted after section 493 of such title,
20 as added to such chapter 24 by such section
21 1031(b);

22 (C) redesignated as section 494; and

23 (D) amended by amending paragraph (2)
24 of subsection (a) to read as follows:

25 “(2) INSUFFICIENT FUNDING.—

1 “(A) REPORT.—During each year in which
2 the New START Treaty is in force, if the
3 President determines that an appropriations
4 Act is enacted that fails to meet the resource
5 levels set forth in the November 2010 update to
6 the plan referred to in section 1251 of the Na-
7 tional Defense Authorization Act for Fiscal
8 Year 2010 (Public Law 111–84; 123 Stat.
9 2549) or if at any time determines that more
10 resources are required to carry out such plan
11 than were estimated, the President shall trans-
12 mit to the appropriate congressional commit-
13 tees, within 60 days of making such a deter-
14 mination, a report detailing—

15 “(i) a plan to address the resource
16 shortfall;

17 “(ii) if more resources are required to
18 carry out the plan than were estimated—

19 “(I) the proposed level of funding
20 required; and

21 “(II) an identification of the
22 stockpile work, campaign, facility,
23 site, asset, program, operation, activ-
24 ity, construction, or project for which
25 additional funds are required;

1 “(iii) any effects caused by the short-
2 fall on the safety, security, reliability, or
3 credibility of the nuclear forces of the
4 United States;

5 “(iv) whether and why, in light of the
6 shortfall, remaining a party to the New
7 START Treaty is still in the national in-
8 terest of the United States; and

9 “(v) a detailed explanation of why the
10 modernization timelines established in the
11 2010 Nuclear Posture Review are no
12 longer applicable.

13 “(B) PRIOR NOTIFICATION.—If the Presi-
14 dent transmits a report under subparagraph
15 (A), the President shall notify the appropriate
16 congressional committees of any determination
17 by the President to reduce the number of de-
18 ployed nuclear warheads of the United States
19 by not later than 60 days before taking any ac-
20 tion to carry out such reduction.

21 “(C) EXCEPTION.—The limitation in sub-
22 paragraph (B) shall not apply to—

23 “(i) reductions made to ensure the
24 safety, security, reliability, and credibility
25 of the nuclear weapons stockpile and stra-

1 ategic delivery systems, including activities
2 related to surveillance, assessment, certifi-
3 cation, testing, and maintenance of nuclear
4 warheads and strategic delivery systems; or

5 “ (ii) nuclear warheads that are retired
6 or awaiting dismantlement on the date of
7 the report under subparagraph (A).

8 “(D) DEFINITIONS.—In this paragraph:

9 “ (i) The term ‘appropriate congress-
10 sional committees’ means—

11 “ (I) the congressional defense
12 committees; and

13 “ (II) the Committee on Foreign
14 Relations of the Senate and the Com-
15 mittee on Foreign Affairs of the
16 House of Representatives.

17 “ (ii) The term ‘New START Treaty’
18 means the Treaty between the United
19 States of America and the Russian Federa-
20 tion on Measures for the Further Reduc-
21 tion and Limitation of Strategic Offensive
22 Arms, signed on April 8, 2010, and en-
23 tered into force on February 5, 2011.’”.

24 (2) CLERICAL AMENDMENTS.—

1 (A) TABLE OF CONTENTS.—The table of
2 sections at the beginning of chapter 24 of title
3 10, United States Code, as added by section
4 1031(b), is amended by inserting after the item
5 relating to section 493 the following new item:

“494. Nuclear force reductions.”.

6 (B) SECTION HEADING TYPEFACE AND
7 TYPESTYLE.—Section 494 of title 10, United
8 States Code, as added by paragraph (1), is
9 amended—

10 (i) in the enumerator, by striking
11 “**SEC.**” and inserting “**§**”; and

12 (ii) in the section heading—

13 (I) by striking the period at the
14 end; and

15 (II) by conforming the typeface
16 and typestyle, including capitalization,
17 to the typeface and typestyle as used
18 in the section heading of section 491
19 of such title.

20 (4) EFFECTIVE DATE.—The amendment made
21 by paragraph (1)(D) shall take effect on October 1,
22 2012.

1 **SEC. 1034. PREVENTION OF ASYMMETRY OF NUCLEAR**
2 **WEAPON STOCKPILE REDUCTIONS.**

3 Section 494 of title 10, United States Code, as added
4 by section 1033(b)(1), is amended by adding at the end
5 the following new subsection:

6 “(d) PREVENTION OF ASYMMETRY IN REDUC-
7 TIONS.—

8 “(1) CERTIFICATION.—During any year in
9 which the President recommends to reduce the num-
10 ber of nuclear weapons in the active and inactive
11 stockpiles of the United States by a number that is
12 greater than a de minimis reduction, the President
13 shall certify in writing to the congressional defense
14 committees whether such reductions will cause the
15 number of nuclear weapons in such stockpiles to be
16 fewer than the high-confidence assessment of the in-
17 telligence community (as defined in section 3(4) of
18 the National Security Act of 1947 (50 U.S.C.
19 401a(4))) with respect to the number of nuclear
20 weapons in the active and inactive stockpiles of the
21 Russian Federation.

22 “(2) NOTIFICATION.—If the President certifies
23 under paragraph (1) that the recommended number
24 of nuclear weapons in the active and inactive stock-
25 piles of the United States is fewer than the high-
26 confidence assessment of the intelligence community

1 with respect to the number of nuclear weapons in
2 the active and inactive stockpiles of the Russian
3 Federation, the President shall transmit to the con-
4 gressional defense committees a report by the Com-
5 mander of the United States Strategic Command,
6 without change, detailing whether the recommended
7 reduction would create a strategic imbalance or de-
8 grade deterrence and extended deterrence between
9 the total number of nuclear weapons of the United
10 States and the total number of nuclear weapons of
11 the Russian Federation. The President shall trans-
12 mit such report by not later than 60 days before the
13 date on which the President carries out any such
14 recommended reductions.

15 “(3) EXCEPTION.—The notification in para-
16 graph (2) shall not apply to—

17 “(A) reductions made to ensure the safety,
18 security, reliability, and credibility of the nu-
19 clear weapons stockpile and strategic delivery
20 systems, including activities related to surveil-
21 lance, assessment, certification, testing, and
22 maintenance of nuclear warheads and strategic
23 delivery systems; or

1 “(B) nuclear warheads that are retired or
2 awaiting dismantlement on the date of the cer-
3 tification under paragraph (1).

4 “(4) ADDITIONAL VIEWS.—On the date on
5 which the President transmits to the congressional
6 defense committees a report by the Commander of
7 the United States Strategic Command under para-
8 graph (2), the President may transmit to such com-
9 mittees a report by the President with respect to
10 whether the recommended reductions covered by the
11 report of the Commander will impact the deterrence
12 or extended deterrence capabilities of the United
13 States.”.

14 **SEC. 1035. STRATEGIC DELIVERY SYSTEMS.**

15 (a) IN GENERAL.—Chapter 24 of title 10, United
16 States Code, as added by section 1031(b), is amended by
17 inserting after section 494, as added by section
18 1033(b)(1), the following new section:

19 **“§ 495. Strategic delivery systems**

20 “(a) ANNUAL CERTIFICATION.—Beginning in fiscal
21 year 2013, the President shall annually certify in writing
22 to the congressional defense committees whether plans to
23 modernize or replace strategic delivery systems are fully
24 funded at levels equal to or more than the levels set forth
25 in the November 2010 update to the plan referred to in

1 section 1251 of the National Defense Authorization Act
2 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
3 2549), including plans regarding—

4 “(1) a heavy bomber and air-launched cruise
5 missile;

6 “(2) an intercontinental ballistic missile;

7 “(3) a submarine-launched ballistic missile;

8 “(4) a ballistic missile submarine; and

9 “(5) maintaining the nuclear command and
10 control system (as first reported under section 1043
11 of the National Defense Authorization Act for Fiscal
12 Year 2012 (Public Law 112–81; 125 Stat. 1576)).

13 “(b) ADDITIONAL REPORT MATTERS FOLLOWING
14 CERTAIN CERTIFICATIONS.—If in any year before fiscal
15 year 2020 the President certifies under subsection (a) that
16 plans to modernize or replace strategic delivery systems
17 are not fully funded, the President shall include in the
18 next annual report transmitted to Congress under section
19 1043 of the National Defense Authorization Act for Fiscal
20 Year 2012 the following:

21 “(1) A determination of whether or not the lack
22 of full funding will result in a loss of military capa-
23 bility when compared with the November 2010 up-
24 date to the plan referred to in section 1251 of the

1 National Defense Authorization Act for Fiscal Year
2 2010.

3 “(2) If the determination under paragraph (1)
4 is that the lack of full funding will result in a loss
5 of military capability—

6 “(A) a plan to preserve or retain the mili-
7 tary capability that would otherwise be lost; or

8 “(B) a report setting forth—

9 “(i) an assessment of the impact of
10 the lack of full funding on the strategic de-
11 livery systems specified in subsection (a);
12 and

13 “(ii) a description of the funding re-
14 quired to restore or maintain the capa-
15 bility.

16 “(3) A certification by the President of whether
17 or not the President is committed to accomplishing
18 the modernization and replacement of strategic de-
19 livery systems and will meet the obligations con-
20 cerning nuclear modernization as set forth in dec-
21 laration 12 of the Resolution of Advice and Consent
22 to Ratification of the New START Treaty.

23 “(c) PRIOR NOTIFICATION.—Not later than 60 days
24 before the date on which the President carries out any

1 reduction to the number of strategic delivery systems, the
2 President shall—

3 “(1) make the certification under subsection (a)
4 for the fiscal year for which the reductions are pro-
5 posed to be carried out;

6 “(2) transmit the additional report matters
7 under subsection (b) for such fiscal year, if such ad-
8 ditional report matters are so required; and

9 “(3) certify to the congressional defense com-
10 mittees that the Russian Federation is in compliance
11 with its arms control obligations with the United
12 States and is not engaged in activity in violation of,
13 or inconsistent with, such obligations.

14 “(d) TREATMENT OF CERTAIN REDUCTIONS.—Any
15 certification under subsection (a) shall not take into ac-
16 count the following:

17 “(1) Reductions made to ensure the safety, se-
18 curity, reliability, and credibility of the nuclear
19 weapons stockpile and strategic delivery systems, in-
20 cluding activities related to surveillance, assessment,
21 certification, testing, and maintenance of nuclear
22 warheads and delivery systems.

23 “(2) Strategic delivery systems that are retired
24 or awaiting dismantlement on the date of the certifi-
25 cation under subsection (a).

1 “(e) DEFINITIONS.—In this section:

2 “(1) The term ‘New START Treaty’ means the
3 Treaty between the United States of America and
4 the Russian Federation on Measures for the Further
5 Reduction and Limitation of Strategic Offensive
6 Arms, signed on April 8, 2010, and entered into
7 force on February 5, 2011.

8 “(2) The term ‘strategic delivery system’ means
9 a delivery system for nuclear weapons.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of chapter 24 of such title is amended
12 by inserting after the item relating to section 494, as
13 added by section 1033(b)(2), the following new item:

“495. Strategic delivery systems.”.

14 **SEC. 1036. CONSIDERATION OF EXPANSION OF NUCLEAR**
15 **FORCES OF OTHER COUNTRIES.**

16 (a) IN GENERAL.—Chapter 24 of title 10, United
17 States Code, as added by section 1031(b), is amended by
18 inserting after section 495, as added by section 1035(a),
19 the following new section:

20 **“§ 496. Consideration of expansion of nuclear forces**
21 **of other countries**

22 “(a) REPORT AND CERTIFICATION.—Not later than
23 60 days before the President recommends any reductions
24 to the nuclear forces of the United States—

1 “(1) the President shall transmit to the appro-
2 priate congressional committees a report detailing,
3 for each country with nuclear weapons, the high-,
4 medium-, and low- confidence assessment of the in-
5 telligence community (as defined in section 3(4) of
6 the National Security Act of 1947 (50 U.S.C.
7 401a(4))) with respect to—

8 “(A) the number of each type of nuclear
9 weapons possessed by such country;

10 “(B) the modernization plans for such
11 weapons of such country;

12 “(C) the production capacity of nuclear
13 warheads and strategic delivery systems (as de-
14 fined in section 495(e)(2) of this title) of such
15 country;

16 “(D) the nuclear doctrine of such country;
17 and

18 “(E) the impact of such recommended re-
19 ductions on the deterrence and extended deter-
20 rence capabilities of the United States; and

21 “(2) the Commander of the United States Stra-
22 tegic Command shall certify to the appropriate con-
23 gressional committees whether such recommended
24 reductions in the nuclear forces of the United States
25 will—

1 “(A) impair the ability of the United
2 States to address—

3 “(i) unplanned strategic or geo-
4 political events; or

5 “(ii) technical challenge; or

6 “(B) degrade the deterrence or assurance
7 provided by the United States to friends and al-
8 lies of the United States.

9 “(b) FORM.—The reports required by subsection
10 (a)(1) shall be submitted in unclassified form, but may
11 include a classified annex.

12 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term ‘appropriate congres-
14 sional committees’ means the following:

15 “(1) The congressional defense committees.

16 “(2) The Committee on Foreign Affairs of the
17 House of Representatives and the Committee on
18 Foreign Relations of the Senate.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by inserting
21 after the item relating to section 495, as added by section
22 1035(b), the following new item:

“496. Consideration of expansion of nuclear forces of other countries.”.

1 **SEC. 1037. NONSTRATEGIC NUCLEAR WEAPON REDUC-**
2 **TIONS AND EXTENDED DETERRENCE POLICY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the United States should pursue negotia-
6 tions with the Russian Federation aimed at the re-
7 duction of Russian deployed and nondeployed non-
8 strategic nuclear forces;

9 (2) nonstrategic nuclear weapons should be con-
10 sidered when weighing the balance of the nuclear
11 forces of the United States and the Russian Federa-
12 tion;

13 (3) any geographical relocation or storage of
14 nonstrategic nuclear weapons by the Russian Fed-
15 eration does not constitute a reduction or elimi-
16 nation of such weapons;

17 (4) the vast advantage of the Russian Federa-
18 tion in nonstrategic nuclear weapons constitutes a
19 threat to the United States and its allies and a
20 growing asymmetry in Western Europe;

21 (5) the forward-deployed nuclear forces of the
22 United States are an important contributor to the
23 assurance of the allies of the United States and con-
24 stitute a check on proliferation and a tool in dealing
25 with neighboring states hostile to the North Atlantic
26 Treaty Organization (“NATO”);

1 (6) the United States should maintain its com-
2 mitment to extended deterrence, specifically the nu-
3 clear alliance of NATO, as an important component
4 of ensuring and linking the national security inter-
5 ests of the United States and the security of its Eu-
6 ropean allies;

7 (7) forward-deployed nuclear forces of the
8 United States shall remain based in Europe in sup-
9 port of the nuclear policy and posture of NATO sub-
10 ject to the policy and requirements of NATO;

11 (8) the presence of nuclear weapons of the
12 United States in Europe—combined with NATO’s
13 unique nuclear sharing arrangements under which
14 non-nuclear members participate in nuclear planning
15 and possess specially configured aircraft capable of
16 delivering nuclear weapons—provides reassurance to
17 allies and partners who feel exposed to regional
18 threats; and

19 (9) only the President and Congress have the
20 legal authority over the nuclear forces of the United
21 States and no multilateral organization, not even
22 NATO, can articulate a declaratory policy con-
23 cerning the use of nuclear weapons that binds the
24 United States.

25 (b) NOTIFICATION.—

1 (1) IN GENERAL.—Chapter 24 of title 10,
2 United States Code, as added by section 1031(b), is
3 amended by inserting after section 496, as added by
4 section 1036(a), the following new section:

5 **“§ 497. Notification required for reduction, consolida-**
6 **tion, or withdrawal of nuclear forces**
7 **based in Europe**

8 “(a) NOTIFICATION.—Upon any decision to reduce,
9 consolidate, or withdraw the nuclear forces of the United
10 States that are based in Europe, the President shall trans-
11 mit to the appropriate congressional committees a notifi-
12 cation containing—

13 “(1) justification for such reduction, consolida-
14 tion, or withdrawal; and

15 “(2) an assessment of how member states of
16 the North Atlantic Treaty Organization, in light of
17 such reduction, consolidation, or withdrawal, assess
18 the credibility of the deterrence capability of the
19 United States in support of its commitments under-
20 taken pursuant to article 5 of the North Atlantic
21 Treaty, signed at Washington, District of Columbia,
22 on April 4, 1949, and entered into force on August
23 24, 1949 (63 Stat. 2241; TIAS 1964).

24 “(b) PRIOR NOTIFICATION REQUIRED.—

1 “(1) IN GENERAL.—The President shall trans-
2 mit the notification required by subsection (a) by
3 not later than 60 days before the date on which the
4 President commences a reduction, consolidation, or
5 withdrawal of the nuclear forces of the United
6 States that are based in Europe described in such
7 notification.

8 “(2) EXCEPTION.—The limitation in paragraph
9 (1) shall not apply to a reduction, consolidation, or
10 withdrawal of nuclear weapons of the United States
11 that are based in Europe made to ensure the safety,
12 security, reliability, and credibility of such weapons.

13 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
14 DEFINED.—In this section, the term ‘appropriate congres-
15 sional committees’ means—

16 “(1) the Committees on Armed Services of the
17 House of Representatives and the Senate; and

18 “(2) the Committee on Foreign Affairs of the
19 House of Representatives and the Committee on
20 Foreign Relations of the Senate.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of such chapter is amended
23 by inserting after the item relating section 496, as
24 added by section 1036(b), the following new item:

 “497. Notification required for reduction, consolidation, or withdrawal of nuclear
 forces based in Europe.”.

1 **SEC. 1038. UNILATERAL CHANGE IN NUCLEAR WEAPONS**
2 **STOCKPILE OF THE UNITED STATES.**

3 (a) IN GENERAL.—Chapter 24 of title 10, United
4 States Code, as added by section 1031(b), is amended by
5 inserting after section 497, as added by section
6 1037(b)(1), the following new section:

7 **“§ 498 Unilateral change in nuclear weapons stock-**
8 **pile of the United States**

9 “(a) IN GENERAL.—Other than pursuant to a treaty,
10 if the President has under consideration to unilaterally
11 change the size of the total stockpile of nuclear weapons
12 of the United States by more than 25 percent, prior to
13 doing so the President shall initiate a Nuclear Posture Re-
14 view.

15 “(b) TERMS OF REFERENCE.—Prior to the initiation
16 of a Nuclear Posture Review under this section, the Presi-
17 dent shall determine the terms of reference for the Nu-
18 clear Posture Review, which the President shall provide
19 to the congressional defense committees.

20 “(c) NUCLEAR POSTURE REVIEW.—Upon completion
21 of a Nuclear Posture Review under this section, the Presi-
22 dent shall submit the Nuclear Posture Review to the con-
23 gressional defense committees prior to implementing any
24 change in the nuclear weapons stockpile by more than 25
25 percent.

1 “(d) CONSTRUCTION.—This section shall not apply to
2 changes to the nuclear weapons stockpile resulting from
3 treaty obligations.

4 “(e) FORM.—A Nuclear Posture Review under this
5 section shall be submitted in unclassified form, but may
6 include a classified annex.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating section 497, as added by section
10 1037(b)(2), the following new item:

“498. Unilateral change in nuclear weapons stockpile of the United States.”.

11 **SEC. 1039. EXPANSION OF DUTIES AND RESPONSIBILITIES**
12 **OF THE NUCLEAR WEAPONS COUNCIL.**

13 (a) GUIDANCE ON NUCLEAR COMMAND, CONTROL,
14 AND COMMUNICATIONS SYSTEMS.—Section 179(d) of title
15 10, United States Code, is amended—

16 (1) in paragraph (2), by inserting “and alter-
17 natives” before the period;

18 (2) in paragraph (3), by inserting “and approv-
19 ing” after “Coordinating”;

20 (3) in paragraph (7)—

21 (A) by striking “broad” and inserting
22 “specific”; and

23 (B) by inserting before the period at the
24 end the following: “and priorities among activi-
25 ties, including production, surveillance, re-

1 search, construction, and any other programs
2 within the National Nuclear Security Adminis-
3 tration”;

4 (4) by redesignating paragraph (10) as para-
5 graph (12); and

6 (5) by inserting after paragraph (9) the fol-
7 lowing new paragraph (10):

8 “(10) Coordinating and providing guidance and
9 oversight on nuclear command, control, and commu-
10 nications systems.”.

11 (b) BUDGET AND FUNDING MATTERS.—Section 179
12 of such title is further amended—

13 (1) in subsection (d), as amended by subsection
14 (a), by inserting after paragraph (10) the following
15 new paragraph (11):

16 “(11) Coordinating and approving the annual
17 budget proposals of the National Nuclear Security
18 Administration.”;

19 (2) by redesignating subsection (f) as sub-
20 section (g); and

21 (3) by inserting after subsection (e) the fol-
22 lowing new subsection (f):

23 “(f) BUDGET AND FUNDING MATTERS.—(1) The
24 Council shall submit to Congress each year, at the same
25 time the budget of the President for the fiscal year begin-

1 ning in such year is submitted to Congress pursuant to
2 section 1105(a) of title 31, a certification whether or not
3 the amounts requested for the National Nuclear Security
4 Administration in such budget, and anticipated over the
5 four fiscal years following such budget, meets nuclear
6 stockpile and stockpile stewardship program requirements
7 for such fiscal year and over such four fiscal years. If a
8 member of the Council does not concur in a certification,
9 the certification shall include the reasons for the member's
10 non-concurrence.

11 “(2) If a House of Congress adopts a bill authorizing
12 or appropriating funds for the National Nuclear Security
13 Administration for nuclear stockpile and stockpile stew-
14 ardship program activities or other activities that, as de-
15 termined by the Council, provides insufficient funds for
16 such activities for the period covered by such bill, the
17 Council shall notify the congressional defense committees
18 of the determination.”.

19 (c) AGENDA OF MEETINGS.—Section 179(b)(3) of
20 such title is amended by adding at the end the following:
21 “To the extent possible, not later than seven days before
22 a meeting, the Chairman shall disseminate to each mem-
23 ber of the Council the agenda and documents for such
24 meeting.”.

1 **SEC. 1040. INTERAGENCY COUNCIL ON THE STRATEGIC CA-**
2 **PABILITY OF THE NATIONAL LABORATORIES.**

3 (a) ESTABLISHMENT.—Chapter 7 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 188. Interagency Council on the Strategic Capa-**
7 **bility of the National Laboratories**

8 “(a) ESTABLISHMENT.—There is an Interagency
9 Council on the Strategic Capability of the National Lab-
10 oratories (in this section referred to as the ‘Council’).

11 “(b) MEMBERSHIP.—The membership of the Council
12 is comprised of the following:

13 “(1) The Secretary of Defense.

14 “(2) The Secretary of Energy.

15 “(3) The Secretary of Homeland Security.

16 “(4) The Director of National Intelligence.

17 “(5) The Administrator for Nuclear Security.

18 “(6) Such other officials as the President con-
19 siders appropriate.

20 “(c) STRUCTURE AND PROCEDURES.—The President
21 may determine the chair, structure, staff, and procedures
22 of the Council.

23 “(d) RESPONSIBILITIES.—The Council shall be re-
24 sponsible for the following matters:

25 “(1) Identifying and considering the science,
26 technology, and engineering capabilities of the na-

1 tional laboratories that could be leveraged by each
2 participating agency to support national security
3 missions.

4 “(2) Reviewing and assessing the adequacy of
5 the national security science, technology, and engi-
6 neering capabilities of the national laboratories for
7 supporting national security missions throughout the
8 Federal Government.

9 “(3) Establishing and overseeing means of en-
10 suring that—

11 “(A) capabilities identified by the Council
12 under paragraph (1) are sustained to an appro-
13 priate level; and

14 “(B) each participating agency provides
15 the appropriate level of institutional support to
16 sustain such capabilities.

17 “(4) In accordance with acquisition rules re-
18 garding federally funded research and development
19 centers, establishing criteria for when each partici-
20 pating agency should seek to use the services of the
21 national laboratories, including the identification of
22 appropriate mission areas and capabilities.

23 “(5) Making recommendations to the President
24 and Congress regarding regulatory or statutory
25 changes needed to better support—

1 “(A) the strategic capabilities of the na-
2 tional laboratories; and

3 “(B) the use of such laboratories by each
4 participating agency.

5 “(6) Other actions the Council considers appro-
6 priate with respect to—

7 “(A) the sustainment of the national lab-
8 oratories; and

9 “(B) the use of the strategic capabilities of
10 such laboratories.

11 “(e) STREAMLINED PROCESS.—With respect to the
12 participating agency for which a member of the Council
13 is the head of, each member of the Council shall—

14 “(1) establish processes to streamline the con-
15 sideration and approval of procuring the services of
16 the national laboratories on appropriate matters;
17 and

18 “(2) ensure that such processes are used in ac-
19 cordance with the criteria established under sub-
20 section (d)(4).

21 “(f) DEFINITIONS.—In this section:

22 “(1) The term ‘participating agency’ means a
23 department or agency of the Federal Government
24 that is represented on the Council by a member
25 under subsection (b).

1 sets” signed by the Secretary of Defense, the
2 Secretary of Energy, the Secretary of Home-
3 land Security, and the Director of National In-
4 telligence in July 2010.

5 (B) The effectiveness of the Council in ac-
6 complishing the purpose and objectives of such
7 section and such Charter.

8 (C) Efforts to strengthen work-for-others
9 programs at the national laboratories.

10 (D) Efforts to make work-for-others oppor-
11 tunities at the national laboratories more cost-
12 effective.

13 (E) Ongoing and planned measures for in-
14 creasing cost-sharing and institutional support
15 investments at the national laboratories from
16 other agencies.

17 (F) Any regulatory or statutory changes
18 recommended to improve the ability of such
19 other agencies to leverage expertise and capa-
20 bilities at the national laboratories.

21 (G) The strategic capabilities and core
22 competencies of laboratories and engineering
23 centers operated by the Department of Defense,
24 including identification of mission areas and

1 functions that should be carried out by such
2 laboratories and engineering centers.

3 (H) Consistent with the protection of
4 sources and methods, the level of funding and
5 general description of programs that were fund-
6 ed during fiscal year 2012 by—

7 (i) the Department of Defense and
8 carried out at the national laboratories;
9 and

10 (ii) the Department of Energy and
11 the national laboratories and carried out at
12 the laboratories and engineering centers of
13 the Department of Defense.

14 (2) FORM.—The report required by paragraph
15 (1) shall be submitted in unclassified form, but may
16 include a classified annex.

17 (3) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES DEFINED.—In this subsection, the term “ap-
19 propriate congressional committees” means the fol-
20 lowing:

21 (A) The congressional defense committees.

22 (B) The Committee on Energy and Com-
23 merce of the House of Representatives and the
24 Committee on Energy and Natural Resources of
25 the Senate.

1 (C) The Committee on Homeland Security
2 of the House of Representatives and the Com-
3 mittee on Homeland Security and Govern-
4 mental Affairs of the Senate.

5 (D) The Committee on Science, Space, and
6 Technology of the House of Representatives
7 and the Committee on Commerce, Science, and
8 Transportation of the Senate.

9 (E) The Permanent Select Committee on
10 Intelligence of the House of Representatives
11 and the Select Committee on Intelligence of the
12 Senate.

13 (d) CONSTRUCTION.—Nothing in section 188 of title
14 10, United States Code, as added by subsection (a), shall
15 be construed to limit section 309 of the Homeland Secu-
16 rity Act of 2002 (6 U.S.C. 189).

17 **SEC. 1041. COST ESTIMATES FOR NUCLEAR WEAPONS.**

18 (a) BUDGET REQUIREMENTS.—Section 1043 of the
19 National Defense Authorization Act for Fiscal Year 2012
20 (Public Law 112–81; 125 Stat. 1576) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (2), by amending sub-
23 paragraph (F) to read as follows:

24 “(F) In accordance with paragraph (3), a
25 detailed estimate of the budget requirements as-

1 sociated with sustaining and modernizing the
2 nuclear deterrent of the United States and the
3 nuclear weapons stockpile of the United States,
4 including the costs associated with the plans
5 outlined under subparagraphs (A) through (E),
6 over the 10-year period following the date of
7 the report, including the applicable and appro-
8 priate costs associated with the procurement,
9 military construction, operation and mainte-
10 nance, and research, development, test, and
11 evaluation accounts of the Department of De-
12 fense.”; and

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

15 “(3) BUDGET ESTIMATE CONTENTS AND METH-
16 ODOLOGY.—Each budget estimate under paragraph
17 (2)(F) shall include a detailed description of the
18 costs included in such estimate and the methodology
19 used to create such estimate.”; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(c) COMPTROLLER GENERAL REVIEW.—The Comp-
23 troller General of the United States shall—

24 “(1) review each report under subsection (a) for
25 accuracy and completeness with respect to the mat-

1 ters described in paragraphs (2)(F) and (3) of such
2 subsection; and

3 “(2) not later than 180 days after the date on
4 which such report under subsection (a) is submitted,
5 submit to the congressional defense committees a
6 summary of each such review.”.

7 (b) CBO ESTIMATE OF COSTS.—Not later than one
8 year after the date of the enactment of this Act, the Direc-
9 tor of the Congressional Budget Office shall submit to the
10 congressional defense committees a report setting forth
11 the following:

12 (1) An estimate of the costs over the 10-year
13 period beginning on the date of the report associated
14 with fielding and maintaining the current nuclear
15 weapons and nuclear weapon delivery systems of the
16 United States.

17 (2) An estimate of the costs over the 10-year
18 period beginning on the date of the report of any life
19 extension, modernization, or replacement of any cur-
20 rent nuclear weapons or nuclear weapon delivery sys-
21 tems of the United States that is anticipated as of
22 the date of the report.

1 **SEC. 1042. PRIOR NOTIFICATION WITH REGARD TO RETIRE-**
2 **MENT OF STRATEGIC DELIVERY SYSTEMS.**

3 (a) PRIOR NOTIFICATION.—The President shall en-
4 sure that the Secretary of Defense submits to Congress
5 the plan required by section 1042(a) of the National De-
6 fense Authorization Act of Fiscal Year 2012 (Public Law
7 112–81; 125 Stat. 1575) by not later than 60 days before
8 the date on which the President carries out any reduction,
9 conversion, or decommissioning of any strategic delivery
10 system pursuant to the levels set forth for such systems
11 under the New START Treaty.

12 (b) DEFINITIONS.—In this section:

13 (1) The term “New START Treaty” means the
14 Treaty between the United States of America and
15 the Russian Federation on Measures for the Further
16 Reduction and Limitation of Strategic Offensive
17 Arms, signed on April 8, 2010, and entered into
18 force on February 5, 2011.

19 (2) The term “strategic delivery system” means
20 the following delivery platforms for nuclear weapons:

21 (A) Land-based intercontinental ballistic
22 missiles.

23 (B) Submarine-launched ballistic missiles
24 and associated ballistic missile submarines.

25 (C) Nuclear-certified strategic bombers.

26 (D) Nuclear-capable cruise missiles.

1 **SEC. 1043. REPORT ON NUCLEAR WARHEADS ON INTER-**
2 **CONTINENTAL BALLISTIC MISSILES OF THE**
3 **UNITED STATES.**

4 Not later than 60 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to the congressional defense committees a report on the
7 requirements necessary to ensure that the United States
8 retains the ability (and all of the related capabilities) to
9 upload an intercontinental ballistic missile with multiple
10 nuclear warheads in the event that operational require-
11 ments, technical failures, or other decisions require such
12 an ability.

13 **SEC. 1044. REQUIREMENTS FOR COMBINED OR INTEROPER-**
14 **ABLE WARHEAD FOR CERTAIN MISSILE SYS-**
15 **TEMS.**

16 (a) NAVY AND AIR FORCE STATEMENTS.—Not later
17 than 75 days after the date of the enactment of this Act,
18 the Secretary of the Navy and the Secretary of the Air
19 Force shall each submit separate statements to the Nu-
20 clear Weapons Council established by section 179 of title
21 10, United States Code, on—

22 (1) plans related to a combined or interoperable
23 warhead for the W78 Minuteman III missile system
24 and the W88 Trident II D5 missile system; and

25 (2) the views of the Secretary with respect to
26 such combined or interoperable warhead.

1 (b) REPORT BY NUCLEAR WEAPONS COUNCIL.—

2 (1) IN GENERAL.—Not later than 120 days
3 after the date of the enactment of this Act, the Nu-
4 clear Weapons Council shall submit to the congres-
5 sional defense committees a report setting forth the
6 requirements for a combined or interoperable war-
7 head for the W78 Minuteman III missile system and
8 the W88 Trident II D5 missile system.

9 (2) MATTERS INCLUDED.—The report under
10 paragraph (1) shall include—

11 (A) the views of the Council with respect
12 to the combined or interoperable warhead; and

13 (B) the unaltered statements of the Sec-
14 retary of the Navy and the Secretary of the Air
15 Force submitted to the Council under sub-
16 section (a).

17 **SEC. 1045. REPORTS ON CAPABILITY OF CONVENTIONAL**
18 **AND NUCLEAR FORCES AGAINST CERTAIN**
19 **TUNNEL SITES AND ON NUCLEAR WEAPONS**
20 **PROGRAM OF THE PEOPLE'S REPUBLIC OF**
21 **CHINA.**

22 (a) REPORT ON CAPABILITY OF U.S. CONVENTIONAL
23 AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL
24 SITES.—

1 (1) REPORT.—Not later than one year after the
2 date of the enactment of this Act, the Commander
3 of the United States Strategic Command shall sub-
4 mit to the appropriate congressional committees a
5 report on the underground tunnel network used by
6 the People’s Republic of China with respect to the
7 capability of the United States to use conventional
8 and nuclear forces to neutralize such tunnels and
9 what is stored within such tunnels.

10 (2) FORM.—The report under paragraph (1)
11 shall be submitted in unclassified form, but may in-
12 clude a classified annex.

13 (b) ASSESSMENT OF NUCLEAR WEAPONS PRO-
14 GRAM.—

15 (1) IN GENERAL.—The Secretary of Defense
16 shall enter into an agreement with a federally fund-
17 ed research and development center to conduct an
18 assessment of the nuclear weapons program of the
19 People’s Republic of China.

20 (2) PANEL.—To conduct the assessment under
21 paragraph (1), the federally funded research and de-
22 velopment center shall convene a panel consisting of
23 individuals who—

24 (A) are nuclear weapons or military ex-
25 perts;

1 (B) have significant experience and subject
2 matter expertise based on the service of the in-
3 dividual in the Federal Government or the nu-
4 clear weapons laboratories; and

5 (C) possess (or have recently possessed)
6 the appropriate security clearance required to
7 access relevant classified information of the in-
8 telligence community and the Department of
9 Energy.

10 (3) MATTERS INCLUDED.—The assessment
11 under paragraph (1) shall include the following:

12 (A) An assessment of the nuclear deter-
13 rence strategy of China, including a historical
14 perspective and the assessed geopolitical drivers
15 of such strategy.

16 (B) A detailed description of the nuclear
17 arsenal of China, including—

18 (i) the capabilities of such arsenal;

19 (ii) the number of nuclear weapons in
20 such arsenal capable of being delivered at
21 intercontinental range; and

22 (iii) any associated doctrines (includ-
23 ing targeting doctrines) relating to such
24 arsenal.

1 (C) A comparison of the nuclear forces of
2 the United States with the nuclear forces of
3 China, including with respect to nuclear forces
4 that are deployed, in reserve, or awaiting dis-
5 mantlement.

6 (D) Projections of the possible future nu-
7 clear arsenals of China, including the capabili-
8 ties and associated doctrines of such arsenals.

9 (E) A description of command and control
10 functions and gaps.

11 (F) An assessment of the fissile material
12 stockpile of China and the civil and military
13 production capabilities and capacities.

14 (G) An assessment of the production ca-
15 pacities of China for nuclear weapons and nu-
16 clear weapon delivery vehicles.

17 (H) A discussion of any significant uncer-
18 tainties surrounding the nuclear weapons pro-
19 gram of China, including—

20 (i) identification of the knowledge
21 gaps regarding such nuclear weapons pro-
22 gram; and

23 (ii) a discussion of the implications of
24 any such gaps for the security of the

1 United States and the allies of the United
2 States.

3 (I) Any recommendations to improve the
4 understanding of the United States with respect
5 to the nuclear weapons program of China.

6 (4) REPORT.—Not later than August 15, 2013,
7 the federally funded research and development cen-
8 ter shall submit to the appropriate congressional
9 committees a report on the assessment conducted
10 under paragraph (1).

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term “appropriate congres-
13 sional committees” means the following:

14 (1) The congressional defense committees.

15 (2) The Committee on Foreign Affairs of the
16 House of Representatives and the Committee on
17 Foreign Relations of the Senate.

18 **SEC. 1046. REPORT ON CONVENTIONAL AND NUCLEAR**
19 **FORCES IN THE WESTERN PACIFIC REGION.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary of Defense, in consultation
22 with the Secretary of State, shall submit to the congres-
23 sional defense committees a report on the feasibility and
24 strategic value of deploying additional conventional and
25 nuclear forces to the Western Pacific region to ensure the

1 presence of a robust conventional and nuclear capability,
2 including a forward-deployed nuclear capability, of the
3 United States in response to the ballistic missile and nu-
4 clear weapons developments of North Korea and the other
5 belligerent actions North Korea has made against allies
6 of the United States. The report shall include an evalua-
7 tion of any bilateral agreements, basing arrangements,
8 and costs that would be involved with such additional de-
9 ployments.

10 **Subtitle F—Miscellaneous**
11 **Authorities and Limitations**

12 **SEC. 1051. EXPANSION OF AUTHORITY OF THE SECRETARY**
13 **OF THE ARMY TO LOAN OR DONATE EXCESS**
14 **NON-AUTOMATIC SERVICE RIFLES FOR FU-**
15 **NERAL AND OTHER CEREMONIAL PURPOSES.**

16 (a) IN GENERAL.—Section 4683 of title 10, United
17 States Code, is amended—

18 (1) in subsection (a), by adding at the end the
19 following new paragraph:

20 “(3)(A) In order to meet the needs of an eligible or-
21 ganization with respect to performing funeral and other
22 ceremonies, if the Secretary determines appropriate, the
23 Secretary may—

24 “(i) loan or donate excess non-automatic service rifles
25 to an eligible organization; or

1 “(ii) authorize an eligible organization to retain non-
2 automatic service rifles other than M–1 rifles.

3 “(B) Nothing in this paragraph shall be construed
4 to supersede any Federal law or regulation governing the
5 use or ownership of firearms.”; and

6 (2) by striking the section heading and insert-
7 ing the following:

8 **“§ 4683. Excess non-automatic service rifles: loan or**
9 **donation for funeral and other ceremo-**
10 **nia purposes”.**

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 443 of such title is amended
13 by striking the item relating to section 4683 and inserting
14 the following new item:

“4683. Excess non-automatic service rifles: loan or donation for funeral and
other ceremonial purposes.”.

15 **SEC. 1052. INTERAGENCY COLLABORATION ON UNMANNED**
16 **AIRCRAFT SYSTEMS.**

17 (a) FINDINGS ON JOINT DEPARTMENT OF DEFENSE
18 FEDERAL AVIATION ADMINISTRATION EXECUTIVE COM-
19 MITTEE ON CONFLICT AND DISPUTE RESOLUTION.—Sec-
20 tion 1036(a) of the Duncan Hunter National Defense Au-
21 thorization Act for Fiscal Year 2009 (Public Law 110–
22 417; 122 Stat. 4596) is amended by adding at the end
23 the following new paragraph:

1 “(9) Collaboration of scientific and technical
2 personnel and sharing of technical information, test
3 results, and resources where available from the De-
4 partment of Defense, the Federal Aviation Adminis-
5 tration, and the National Aeronautics and Space Ad-
6 ministration can advance an enduring relationship of
7 research capability to advance the access of un-
8 manned aircraft systems of the Department of De-
9 fense, the National Aeronautics and Space Adminis-
10 tration and other public agencies to the National
11 Airspace System.”.

12 (b) INTERAGENCY COLLABORATION.—

13 (1) IN GENERAL.—The Secretary of Defense
14 shall collaborate with the Administrator of the Fed-
15 eral Aviation Administration and the Administrator
16 of the National Aeronautics and Space Administra-
17 tion to conduct research and seek solutions to chal-
18 lenges associated with the safe integration of un-
19 manned aircraft systems into the National Airspace
20 System in accordance with subtitle B of title III of
21 the FAA Modernization and Reform Act of 2012
22 (Public Law 112–95; 126 Stat. 72).

23 (2) ACTIVITIES IN SUPPORT OF PLAN ON AC-
24 CESS TO NATIONAL AIRSPACE FOR UNMANNED AIR-
25 CRAFT SYSTEMS.—Collaboration under paragraph

1 (1) may include research and development of sci-
2 entific and technical issues, equipment, and tech-
3 nology in support of the plan to safely accelerate the
4 integration of unmanned aircraft systems as re-
5 quired by subtitle B of title III of the FAA Mod-
6 ernization and Reform Act of 2012.

7 (3) NONDUPLICATIVE EFFORTS.—If the Sec-
8 retary of Defense determines it is in the interest of
9 the Department of Defense, the Secretary may use
10 existing aerospace-related laboratories, personnel,
11 equipment, research radars, and ground facilities of
12 the Department of Defense to avoid duplication of
13 efforts in carrying out collaboration under para-
14 graph (1).

15 (4) REPORTS.—

16 (A) REQUIREMENT.—The Secretary of De-
17 fense, on behalf of the UAS Executive Com-
18 mittee, shall annually submit to the congres-
19 sional defense committees, the Committee on
20 Transportation and Infrastructure, and the
21 Committee on Science, Space, and Technology
22 of the House of Representatives, and the Com-
23 mittee on Commerce, Science, and Transpor-
24 tation of the Senate a report on the progress of

1 research activity of the Department of Defense,
2 including—

3 (i) progress in accomplishing the goals
4 of the unmanned aircraft systems research,
5 development, and demonstration as related
6 to the Department of Defense Final Re-
7 port to Congress on Access to National
8 Airspace for Unmanned Aircraft Systems
9 of October 2010, and any ongoing and col-
10 laborative research and development pro-
11 grams with the Federal Aviation Adminis-
12 tration and the National Aeronautics and
13 Space Administration;

14 (ii) estimates of long-term funding
15 needs and details of funds expended and
16 allocated in the budget requests of the
17 President that support integration into the
18 National Airspace; and

19 (iii) progress in sharing with the Fed-
20 eral Aviation Administration safety oper-
21 ational and performance data as it relates
22 to unmanned aircraft system operation and
23 the impact on the National Airspace Sys-
24 tem.

1 (B) TERMINATION.—The requirement to
2 submit a report under subparagraph (A) shall
3 terminate on the date that is 5 years after the
4 date of the enactment of this Act.

5 (c) UAS EXECUTIVE COMMITTEE DEFINED.—In this
6 section, the term “UAS Executive Committee” means the
7 National Aeronautics and Space Administration and
8 the Department of Defense—Federal Aviation Administra-
9 tion executive committee described in section 1036(b) of
10 the Duncan Hunter National Defense Authorization Act
11 for Fiscal Year 2009 and established by the Secretary of
12 Defense and the Administrator of the Federal Aviation
13 Administration.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
15 hereby authorized to be appropriated such sums as may
16 be necessary to carry out this section.

17 **SEC. 1053. AUTHORITY TO TRANSFER SURPLUS MINE-RE-**
18 **SISTANT AMBUSH-PROTECTED VEHICLES**
19 **AND SPARE PARTS.**

20 (a) AUTHORITY.—The Secretary of Defense is au-
21 thorized to transfer surplus Mine-Resistant Ambush-Pro-
22 tected vehicles, including spare parts for such vehicles, to
23 non-profit United States humanitarian demining organiza-
24 tions for purposes of demining activities and training of
25 such organizations.

1 (b) TERMS AND CONDITIONS.—Any transfer of vehi-
2 cles or spare parts under subsection (a) shall be subject
3 to the following terms and conditions:

4 (1) The transfer shall be made on a loan basis.

5 (2) The costs of operation and maintenance of
6 the vehicles shall be borne by the recipient organiza-
7 tion.

8 (3) Any other terms and conditions as the Sec-
9 retary of Defense determines to be appropriate.

10 (c) NOTIFICATION.—The Secretary of Defense shall
11 notify the congressional defense committees in writing not
12 less than 60 days before making any transfer of vehicles
13 or spare parts under subsection (a). Such notification shall
14 include the name of the organization, the number and
15 model of the vehicle to be transferred, a listing of any
16 spare parts to be transferred, and any other information
17 the Secretary considers appropriate.

18 **SEC. 1054. NOTICE TO CONGRESS OF CERTAIN DEPART-**
19 **MENT OF DEFENSE NONDISCLOSURE AGREE-**
20 **MENTS.**

21 (a) NOTICE REQUIRED.—The Secretary of Defense
22 shall submit to the congressional defense committees no-
23 tice of any request or requirement for members of the
24 Armed Forces or civilian employees of the Department of
25 Defense to enter into nondisclosure agreements that could

1 restrict the ability of such members or employees to com-
2 municate with Congress. Each such notice shall include
3 the following:

4 (1) The basis in law for the agreement.

5 (2) An explanation for the restriction of the
6 ability to communicate with Congress.

7 (3) A description of the category of individuals
8 requested or required to enter into the agreement.

9 (4) A copy of the language contained in the
10 agreement.

11 (b) TIMING OF NOTIFICATION.—

12 (1) REQUESTS OR REQUIREMENTS BEFORE
13 DATE OF ENACTMENT.—In the case of nondisclosure
14 agreements described in subsection (a) that mem-
15 bers or employees were first requested or required to
16 enter into on or before the date of the enactment of
17 this Act, the notice required by subsection (a) shall
18 be submitted not later than 60 days after the date
19 of enactment.

20 (2) REQUESTS OR REQUIREMENTS AFTER DATE
21 OF ENACTMENT.—In the case of nondisclosure
22 agreements described in subsection (a) that mem-
23 bers or employees were first requested or required to
24 enter into after the date of the enactment of this
25 Act, the notice required by subsection (a) shall be

1 submitted not later than 30 days after the date on
2 which the Secretary first requests or requires that
3 the members or employees enter into the agree-
4 ments.

5 **SEC. 1055. EXTENSION OF AUTHORITY TO PROVIDE AS-**
6 **SURED BUSINESS GUARANTEES TO CAR-**
7 **RIERS PARTICIPATING IN CIVIL RESERVE AIR**
8 **FLEET.**

9 (a) EXTENSION.—Subsection (k) of section 9515 of
10 title 10, United States Code, is amended by striking “De-
11 cember 31, 2015” and inserting “December 31, 2020”.

12 (b) APPLICATION TO ALL SEGMENTS OF CRAF.—
13 Such section is further amended—

14 (1) in subsection (a)(3), by striking “pas-
15 senger”; and

16 (2) in subsection (j), by striking “, except that
17 it only means such transportation for which the Sec-
18 retary of Defense has entered into a contract for the
19 purpose of passenger travel”.

20 **SEC. 1056. AUTHORITY FOR SHORT-TERM EXTENSION OF**
21 **LEASE FOR AIRCRAFT SUPPORTING THE**
22 **BLUE DEVIL INTELLIGENCE, SURVEILLANCE,**
23 **AND RECONNAISSANCE PROGRAM.**

24 (a) IN GENERAL.—Notwithstanding section 2401 of
25 title 10, United States Code, the Secretary of the Air

1 Force may extend or renew the lease of aircraft supporting
2 the Blue Devil intelligence, surveillance, and reconnais-
3 sance program after the date of the expiration of the cur-
4 rent lease of such aircraft for a term that is the shorter
5 of—

6 (1) the period beginning on the date of the ex-
7 piration of the current lease and ending on the date
8 on which the Commander of the United States Cen-
9 tral Command notifies the Secretary that a sub-
10 stitute is available for the capabilities provided by
11 the lease, or that the capabilities provided by such
12 aircraft are no longer required; or

13 (2) six months.

14 (b) FUNDING.—Amounts authorized to be appro-
15 priated for fiscal year 2013 by title XV and available for
16 Overseas Contingency Operations for operation and main-
17 tenance as specified in the funding tables in section 4302
18 may be available for the extension or renewal of the lease
19 authorized by subsection (a).

1 **SEC. 1057. RULE OF CONSTRUCTION RELATING TO PROHI-**
2 **BITION ON INFRINGING ON THE INDIVIDUAL**
3 **RIGHT TO LAWFULLY ACQUIRE, POSSESS,**
4 **OWN, CARRY, AND OTHERWISE USE PRI-**
5 **VATELY OWNED FIREARMS, AMMUNITION,**
6 **AND OTHER WEAPONS.**

7 Section 1062(c) of the Ike Skelton National Defense
8 Authorization Act for Fiscal Year 2011 (Public Law 111–
9 383; 124 Stat. 4363) is amended—

10 (1) in paragraph (1)(B), by striking “; or” and
11 inserting a semicolon;

12 (2) in paragraph (2), by striking “others.” and
13 inserting “others; or”; and

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

16 “(3) authorize a health professional that is a
17 member of the Armed Forces or a civilian employee
18 of the Department of Defense or a commanding offi-
19 cer to inquire if a member of the Armed Forces
20 plans to acquire, or already possesses or owns, a pri-
21 vately-owned firearm, ammunition, or other weapon,
22 if such health professional or such commanding offi-
23 cer has reasonable grounds to believe such member
24 is at risk for suicide or causing harm to others.”.

1 **SEC. 1058. SENSE OF CONGRESS ON THE JOINT**
2 **WARFIGHTING ANALYSIS CENTER.**

3 It is the sense of Congress that the Joint Warfighting
4 Analysis Center (JWAC) should have adequate resources
5 to meet the continuing requirements of the combatant
6 commands.

7 **SEC. 1059. LIMITATIONS ON RETIREMENT OF FIXED-WING**
8 **INTRA-THEATER AIRLIFT AIRCRAFT FOR**
9 **GENERAL SUPPORT AND TIME SENSITIVE/**
10 **MISSION CRITICAL DIRECT SUPPORT AIR-**
11 **LIFT MISSIONS OF THE DEPARTMENT OF DE-**
12 **FENSE.**

13 (a) **LIMITATION ON RETIREMENTS.**—During fiscal
14 year 2013, the Secretary of the Air Force shall retain an
15 additional 32 fixed-wing, intra-theater airlift aircraft be-
16 yond the number of such aircraft proposed to be retained
17 in the Secretary's total force structure proposal provided
18 to the congressional defense committees on November 2,
19 2012.

20 (b) **INCORPORATION OF CONCEPT OF EMPLOY-**
21 **MENT.**—Not later than June 1, 2013, the Secretary of the
22 Air Force shall ensure that the concept of employment for
23 the Department of the Air Force direct support of Depart-
24 ment of the Army time sensitive or mission critical intra-
25 theater airlift mission, as agreed to by the Vice Chiefs of
26 Staff of the Air Force and the Army by memorandum of

1 agreement dated September 13, 2009, and agreed to by
2 the Chiefs of Staff of the Air Force and the Army and
3 the Vice Chairman of the Joint Chiefs of Staff, by memo-
4 randum of understanding dated January 27, 2012, is
5 wholly incorporated into Department of the Air Force doc-
6 trine, strategy, tactics, and modeling and the Air Force
7 core capabilities of agile combat support and rapid global
8 mobility operations.

9 **Subtitle G—Studies and Reports**

10 **SEC. 1061. ELECTRONIC WARFARE STRATEGY OF THE DE-** 11 **PARTMENT OF DEFENSE.**

12 (a) **GUIDANCE REQUIRED.**—Not later than January
13 1, 2013, the Secretary of Defense shall review and update
14 Department of Defense guidance related to electronic war-
15 fare to ensure that oversight roles and responsibilities
16 within the Department related to electronic warfare policy
17 and programs are clearly defined. Such guidance shall
18 clarify, as appropriate, the roles and responsibilities re-
19 lated to the integration of electronic warfare matters and
20 cyberspace operations.

21 (b) **PLAN REQUIRED.**—Not later than October 1,
22 2013, the Commander of the United States Strategic
23 Command shall update and issue guidance regarding the
24 responsibilities of the Command with regard to joint elec-
25 tronic warfare capabilities. Such guidance shall—

1 (1) define the role and objectives of the Joint
2 Electromagnetic Spectrum Control Center or any
3 other center established in the Command to provide
4 governance and oversight of electronic warfare mat-
5 ters; and

6 (2) include an implementation plan outlining
7 tasks, metrics, and timelines to establish such a cen-
8 ter.

9 (c) **ADDITIONAL REPORTING REQUIREMENTS.**—Sec-
10 tion 1053(b)(1) of the National Defense Authorization Act
11 for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
12 2459) is amended—

13 (1) in subparagraph (B), by striking “; and”
14 and inserting a semicolon;

15 (2) in subparagraph (C), by striking the period
16 and inserting a semicolon; and

17 (3) by adding at the end the following new sub-
18 paragraphs:

19 “(D) performance measures to guide the
20 implementation of such strategy;

21 “(E) an identification of resources and in-
22 vestments necessary to implement such strat-
23 egy; and

1 “(F) an identification of the roles and re-
2 sponsibilities within the Department to imple-
3 ment such strategy.”.

4 **SEC. 1062. REPORT ON COUNTERPROLIFERATION CAPA-**
5 **BILITIES AND LIMITATIONS.**

6 (a) **REPORT REQUIRED.**—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of Defense shall provide to the congressional defense com-
9 mittees a report outlining operational capabilities, limita-
10 tions, and shortfalls within the Department of Defense
11 with respect to counterproliferation and combating weap-
12 ons of mass destruction involving special operations forces
13 and key enabling forces.

14 (b) **ELEMENTS.**—The report required under sub-
15 section (a) shall include each of the following elements:

16 (1) An overview and assessment of current
17 counterproliferation and combating weapons of mass
18 destruction capabilities, capacity, and limitations of
19 special operations forces and key enabling capabili-
20 ties provided by other supporting elements of the
21 Department of Defense and other Government agen-
22 cies.

23 (2) An assessment of the unique capabilities of
24 special operations forces to counter a proliferant’s

1 ability to develop weapons of mass destruction, in-
2 cluding all phases of weaponization.

3 (3) An overview and assessment of current and
4 future training requirements and gaps, including the
5 adequacy and availability of training facilities rel-
6 ative to paragraphs (1) and (2).

7 (4) An assessment of technical capability gaps
8 relative to paragraphs (1) and (2), including an
9 identification of any gaps that are unique to special
10 operations forces.

11 (5) An assessment of interagency coordination
12 capabilities and gaps, including intelligence support
13 to countering weapons of mass destruction.

14 (6) An assessment of current international bi-
15 lateral and multilateral partnerships and the limita-
16 tions of such partnerships, including an assessment
17 of existing authorities to build partnership capacity
18 in countering weapons of mass destruction unique to
19 special operations forces.

20 (7) A description of efforts to address the limi-
21 tations and gaps referred to in paragraphs (1)
22 through (6), including timelines and requirements to
23 address such limitations and such gaps.

24 (8) Any other matters the Secretary considers
25 appropriate.

1 **SEC. 1063. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.**

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Secretary of Defense shall submit
4 to the congressional defense committees, the Committee
5 on Transportation and Infrastructure of the House of
6 Representatives, and the Committee on Commerce,
7 Science, and Transportation of the Senate a report that
8 sets forth the following:

9 (1) An assessment of the feasibility and advis-
10 ability of obtaining a Federal Aviation Administra-
11 tion certification for commercial use of each of the
12 following:

13 (A) A commercial variant of the C-17 air-
14 craft.

15 (B) A retired C-17A aircraft.

16 (C) A retired C-5A aircraft.

17 (2) An assessment of the current limitations of
18 the aircraft of the Civil Reserve Air Fleet.

19 (3) An assessment of the potential for using the
20 aircraft referred to in paragraph (1) in the Civil Re-
21 serve Air Fleet.

22 (4) An assessment of the advantages of adding
23 the aircraft referred to in paragraph (1) to the Civil
24 Reserve Air Fleet.

25 (5) An update on the status of any cooperation
26 between the Federal Aviation Administration and

1 the Department of Defense on the certification of
2 the aircraft referred to in paragraph (1).

3 (6) A description of all actions required, includ-
4 ing any impediments to such actions, to offering re-
5 tired C-5A aircraft or retired C-17A aircraft as ex-
6 cess defense articles to United States allies or for
7 sale to Civil Reserve Air Fleet carriers.

8 (7) A description of the actions required for in-
9 terested allies or Civil Reserve Air Fleet carriers to
10 take delivery of excess C-5A aircraft or excess C-
11 17A aircraft, including the actions, modifications, or
12 demilitarization necessary for such recipients to take
13 delivery of such aircraft, and provisions for permit-
14 ting such recipients to undertake responsibility for
15 such actions, to the maximum extent practicable.

16 **SEC. 1064. REPEAL OF BIENNIAL REPORT ON THE GLOBAL**
17 **POSITIONING SYSTEM.**

18 Section 2281 of title 10, United States Code, is
19 amended—

20 (1) by striking subsection (d); and

21 (2) by redesignating subsection (e) as sub-
22 section (d).

1 **SEC. 1065. IMPROVEMENTS TO REPORTS REQUIRED ON AC-**
2 **QUISITION OF TECHNOLOGY RELATING TO**
3 **WEAPONS OF MASS DESTRUCTION AND THE**
4 **THREAT POSED BY WEAPONS OF MASS DE-**
5 **STRUCTION, BALLISTIC MISSILES, AND**
6 **CRUISE MISSILES.**

7 (a) IN GENERAL.—Section 234 of the National De-
8 fense Authorization Act for Fiscal Year 1998 (50 U.S.C.
9 2367) is amended to read as follows:

10 **“SEC. 234. REPORTS ON ACQUISITION OF TECHNOLOGY RE-**
11 **LATING TO WEAPONS OF MASS DESTRUCTION**
12 **AND THE THREAT POSED BY WEAPONS OF**
13 **MASS DESTRUCTION, BALLISTIC MISSILES,**
14 **AND CRUISE MISSILES.**

15 “(a) ANNUAL REPORT.—Not later than January 30
16 of each year, the Secretary of Defense, in consultation
17 with the Director of National Intelligence, shall submit to
18 the appropriate congressional committees a report on the
19 following:

20 “(1) The threats posed to the United States
21 and allies of the United States—

22 “(A) by weapons of mass destruction, bal-
23 listic missiles, and cruise missiles; and

24 “(B) by the proliferation of weapons of
25 mass destruction, ballistic missiles, and cruise
26 missiles.

1 “(2) The acquisition by foreign countries during
2 the preceding 12 months of dual-use and other tech-
3 nology useful for the development or production of
4 weapons of mass destruction (including nuclear
5 weapons, chemical weapons, and biological weapons)
6 and advanced conventional munitions.

7 “(3) Any trends with respect to the acquisition
8 described in paragraph (2).

9 “(b) MATTERS INCLUDED.—Each report submitted
10 under subsection (a) shall include the following:

11 “(1) Identification of each foreign country and
12 non-State organization that possesses weapons of
13 mass destruction, ballistic missiles, or cruise mis-
14 siles, and a description of such weapons and missiles
15 with respect to each such foreign country and non-
16 State organization.

17 “(2) A description of the means by which any
18 foreign country and non-State organization that has
19 achieved, or is making progress toward achieving,
20 capability with respect to weapons of mass destruc-
21 tion, ballistic missiles, or cruise missiles has
22 achieved, or is making progress toward achieving,
23 that capability, including a description of the inter-
24 national network of foreign countries and private en-
25 tities that provide assistance to foreign countries

1 and non-State organizations in achieving that capa-
2 bility.

3 “(3) An examination of the doctrines that guide
4 the use of weapons of mass destruction in each for-
5 eign country that possesses such weapons.

6 “(4) An examination of the existence and imple-
7 mentation of the control mechanisms that exist with
8 respect to nuclear weapons in each foreign country
9 that possesses such weapons.

10 “(5) Identification of each foreign country and
11 non-State organization that seeks to acquire or de-
12 velop (indigenously or with foreign assistance) weap-
13 ons of mass destruction, ballistic missiles, or cruise
14 missiles, and a description of such weapons and mis-
15 siles with respect to each such foreign country and
16 non-State organization.

17 “(6) An assessment of various possible
18 timelines for the achievement by foreign countries
19 and non-State organizations of capability with re-
20 spect to weapons of mass destruction, ballistic mis-
21 siles, and cruise missiles, taking into account the
22 probability of whether foreign countries that are a
23 party to the Missile Technology Control Regime will
24 comply with and enforce the regime, the potential
25 availability of assistance from foreign technical spe-

1 cialists, and the potential for independent sales by
2 foreign private entities without authorization from
3 their national governments.

4 “(7) For each foreign country or non-State or-
5 ganization that has not achieved the capability to
6 target the United States or its territories with weap-
7 ons of mass destruction, ballistic missiles, or cruise
8 missiles as of the date of the enactment of the Na-
9 tional Defense Authorization Act for Fiscal Year
10 2013, an estimate of how far in advance the United
11 States is likely to be warned before such foreign
12 country or non-State organization achieves that ca-
13 pability.

14 “(8) For each foreign country or non-State or-
15 ganization that has not achieved the capability to
16 target members of the Armed Forces of the United
17 States deployed abroad with weapons of mass de-
18 struction, ballistic missiles, or cruise missiles as of
19 the date of the enactment of the National Defense
20 Authorization Act for Fiscal Year 2013, an estimate
21 of how far in advance the United States is likely to
22 be warned before such foreign country or non-State
23 organization achieves that capability.

1 “(c) CLASSIFICATION.—Each report submitted under
2 subsection (a) shall be submitted in unclassified form, but
3 may include a classified annex.

4 “(d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term ‘appropriate congress-
6 sional committees’ means the following:

7 “(1) The congressional defense committees.

8 “(2) The congressional intelligence committees
9 (as defined in section 3 of the National Security Act
10 of 1947 (50 U.S.C. 401a)).

11 “(3) The Speaker and the minority leader of
12 the House of Representatives and the majority lead-
13 er and the minority leader of the Senate.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 at the beginning of the National Defense Authorization
16 Act for Fiscal Year 1998 (Public Law 105–85) is amended
17 by striking the item relating to section 234 and inserting
18 the following new item:

 “Sec. 234. Reports on acquisition of technology relating to weapons of mass de-
 struction and the threat posed by weapons of mass destruction,
 ballistic missiles, and cruise missiles.”.

19 (c) CONFORMING REPEAL.—Section 721 of the Intel-
20 ligence Authorization Act for Fiscal Year 1997 (50 U.S.C.
21 2366) is repealed.

1 **SEC. 1066. REPORT ON FORCE STRUCTURE OF THE UNITED**

2 **STATES ARMY.**

3 (a) REPORT REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary
5 of the Army shall submit to Congress a report on the force
6 structure of the Army.

7 (b) ELEMENTS OF REPORT.—The report required
8 under subsection (a) shall include each of the following:

9 (1) A description of the planning assumptions
10 and scenarios used to determine the size and force
11 structure of the United States Army, including the
12 reserve component, for the Future Years Defense
13 Program for fiscal years 2014 through 2018.

14 (2) An evaluation of the adequacy of the pro-
15 posed force structure for meeting the goals of the
16 national military strategy of the United States.

17 (3) A description of any alternative force struc-
18 tures considered, including the assessed advantages
19 and disadvantages of each and a brief explanation of
20 why those not selected were rejected.

21 (4) The estimated resource requirements of
22 each of the alternative force structures referred to in
23 paragraph (3).

24 (5) An independent risk assessment of the pro-
25 posed Army force structure, to be conducted by the
26 Chief of Staff of the Army.

1 (6) Such other information as the Secretary of
2 the Army determines is appropriate.

3 (c) CLASSIFIED ANNEX.—The report required by
4 subsection (a) shall be in unclassified form but may in-
5 clude a classified annex.

6 **SEC. 1067. REPORT ON PLANNED EFFICIENCY INITIATIVES**
7 **AT SPACE AND NAVAL WARFARE SYSTEMS**
8 **COMMAND.**

9 Not later than 90 days after the date of the enact-
10 ment of this Act, the Secretary of the Navy shall submit
11 to the congressional defense committees a report on plans
12 to implement efficiency initiatives to reduce overhead costs
13 at all echelons of the Space and Naval Warfare Systems
14 Command (SPAWAR), including a detailed description of
15 the long-term impacts on current and planned future mis-
16 sion requirements.

17 **SEC. 1068. REPORT ON MILITARY RESOURCES NECESSARY**
18 **TO EXECUTE UNITED STATES FORCE POS-**
19 **TURE STRATEGY IN THE ASIA PACIFIC RE-**
20 **GION.**

21 (a) REVIEW REQUIRED.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall, in consultation with the Chairman of the Joint
24 Chiefs of Staff, conduct a comprehensive review of
25 the national defense strategy, force structure, force

1 modernization plans, infrastructure, budget plan,
2 and other elements of the defense program and poli-
3 cies of the United States with regard to the Asia Pa-
4 cific region to determine the resources, equipment,
5 and transportation required to meet the strategic
6 and operational plans of the United States.

7 (2) ELEMENTS.—The review required under
8 paragraph (1) shall include the following elements:

9 (A) The force structure, force moderniza-
10 tion plans, infrastructure, budget plan, and
11 other elements of the defense program of the
12 United States associated with the Asia Pacific
13 region that would be required to execute suc-
14 cessfully the full range of missions called for in
15 the national defense strategy.

16 (B) An estimate of the timing for initial
17 and final operational capability for each unit
18 based in, realigned within, or identified for sup-
19 port to the Asia Pacific region.

20 (C) An assessment of the strategic and
21 tactical sea, ground, and air transportation re-
22 quired for the forces assigned to the Asia Pa-
23 cific region to meet strategic and operational
24 plans.

1 (D) The specific capabilities, including the
2 general number and type of specific military
3 platforms, their permanent station, and planned
4 forward operating locations needed to achieve
5 the strategic and warfighting objectives identi-
6 fied in the review.

7 (E) The forward presence, phased deploy-
8 ments, pre-positioning, and other anticipatory
9 deployments of manpower or military equip-
10 ment necessary for conflict deterrence and ade-
11 quate military response to anticipated conflicts.

12 (F) The budget plan that would be re-
13 quired to provide sufficient resources to execute
14 successfully the full range of missions and
15 phased operations in the Asia Pacific region at
16 a low-to-moderate level of risk and any addi-
17 tional resources (beyond those programmed in
18 the current future-years defense program) re-
19 quired to achieve such a level of risk.

20 (G) Budgetary recommendations that are
21 not constrained to comply with and are fully
22 independent of the budget submitted to Con-
23 gress by the President pursuant to section 1105
24 of title 31, United States Code.

1 (b) CJCS REVIEW.—Upon the completion of the re-
2 view under subsection (a), the Chairman of the Joint
3 Chiefs of Staff shall prepare and submit to the Secretary
4 of Defense the Chairman’s assessment of the review, in-
5 cluding the Chairman’s assessment of risk and a descrip-
6 tion of the capabilities needed to address such risk.

7 (c) REPORT.—

8 (1) IN GENERAL.—Not later than one year
9 after the date of the enactment of this Act, the Sec-
10 retary of Defense shall submit to the congressional
11 defense committees a report on the results of the re-
12 view required under subsection (a).

13 (2) CONTENT.—The report required under
14 paragraph (1) shall include the following elements:

15 (A) A description of the elements set forth
16 under subsection (a)(1).

17 (B) A description of the assumptions used
18 in the examination, including assumptions relat-
19 ing to—

20 (i) the status of readiness of the
21 Armed Forces;

22 (ii) the cooperation of allies and part-
23 ners, mission-sharing, and additional bene-
24 fits to and burdens on the Armed Forces
25 resulting from coalition operations;

1 (iii) warning times;

2 (iv) levels of engagement in operations
3 other than war and smaller-scale contin-
4 gencies and withdrawal from such oper-
5 ations and contingencies;

6 (v) the intensity, duration, and mili-
7 tary and political end-states of conflicts
8 and smaller-scale contingencies; and

9 (vi) the roles and responsibilities that
10 would be discharged by contractors.

11 (C) Any other matters the Secretary of
12 Defense considers appropriate.

13 (D) The full and complete assessment of
14 the Chairman of the Joint Chiefs of Staff under
15 subsection (b), including related comments of
16 the Secretary of Defense.

17 (3) FORM.—The report required under para-
18 graph (1) may be submitted in classified or unclassi-
19 fied form.

20 **SEC. 1069. RIALTO-COLTON BASIN, CALIFORNIA, WATER RE-**
21 **SOURCES STUDY.**

22 (a) IN GENERAL.—Not later than two years after the
23 date of the enactment of this Act, the Secretary of the
24 Interior, acting through the Director of the United States
25 Geological Survey, shall complete a study of water re-

1 sources in the Rialto-Colton Basin in the State of Cali-
2 fornia (in this section referred to as the “Basin”), includ-
3 ing—

4 (1) a survey of ground water resources in the
5 Basin, including an analysis of—

6 (A) the delineation, either horizontally or
7 vertically, of the aquifers in the Basin, includ-
8 ing the quantity of water in the aquifers;

9 (B) the availability of ground water re-
10 sources for human use;

11 (C) the salinity of ground water resources;

12 (D) the identification of a recent surge in
13 perchlorate concentrations in ground water,
14 whether significant sources are being flushed
15 through the vadose zone, or if perchlorate is
16 being remobilized;

17 (E) the identification of impacts and
18 extents of all source areas that contribute to
19 the regional plume to be fully characterized;

20 (F) the potential of the ground water re-
21 sources to recharge;

22 (G) the interaction between ground water
23 and surface water;

24 (H) the susceptibility of the aquifers to
25 contamination, including identifying the extent

1 of commingling of plume emanating within sur-
2 rounding areas in San Bernardino County,
3 California; and

4 (I) any other relevant criteria; and

5 (2) a characterization of surface and bedrock
6 geology of the Basin, including the effect of the geol-
7 ogy on ground water yield and quality.

8 (b) COORDINATION.—The Secretary shall carry out
9 the study in coordination with the State of California and
10 any other entities that the Secretary determines to be ap-
11 propriate, including other Federal agencies and institu-
12 tions of higher education.

13 (c) REPORT.—Upon completion of the study, the Sec-
14 retary shall submit to the Committee on Energy and Nat-
15 ural Resources of the Senate and the Committee on Nat-
16 ural Resources of the House of Representatives a report
17 that describes the results of the study.

18 **SEC. 1070. REPORTS ON THE POTENTIAL SECURITY**
19 **THREAT POSED BY BOKO HARAM.**

20 (a) DIRECTOR OF NATIONAL INTELLIGENCE RE-
21 PORT.—Not later than 180 days after the date of the en-
22 actment of this Act, the Director of National Intelligence
23 shall submit to Congress a classified intelligence assess-
24 ment of the Nigerian organization known as Boko Haram.
25 Such assessment shall address the following:

1 (1) The organizational structure, operational
2 goals, and funding sources of Boko Haram.

3 (2) The extent to which Boko Haram threatens
4 the stability of Nigeria and surrounding countries.

5 (3) The extent to which Boko Haram threatens
6 the security of citizens of the United States or the
7 national security or interests of the United States.

8 (4) Any interaction between Boko Haram and
9 al-Qaeda in the Islamic Maghreb or other al-Qaeda
10 affiliates with respect to operational planning and
11 execution, training, and funding.

12 (5) The capacity of Nigerian security forces to
13 counter the threat posed by Boko Haram and an as-
14 sessment of the effectiveness of the strategy of the
15 Nigerian government to date.

16 (6) Any intelligence gaps with respect to the
17 leadership, operational goals, and capabilities of
18 Boko Haram.

19 (b) SECRETARY OF STATE AND SECRETARY OF DE-
20 FENSE JOINT REPORT.—Not later than 90 days after the
21 date on which the report required by subsection (a) is sub-
22 mitted to Congress, the Secretary of State and the Sec-
23 retary of Defense shall jointly submit to Congress a classi-
24 fied report describing the strategy of the United States
25 to counter the threat posed by Boko Haram.

1 **SEC. 1071. STUDY ON THE ABILITY OF NATIONAL TEST AND**
2 **EVALUATION CAPABILITIES TO SUPPORT**
3 **THE MATURATION OF HYPERSONIC TECH-**
4 **NOLOGIES FOR FUTURE DEFENSE SYSTEMS**
5 **DEVELOPMENT.**

6 (a) **STUDY REQUIRED.**—The Director of the Office
7 of Science and Technology Policy, working with the Sec-
8 retary of Defense and the Administrator of the National
9 Aeronautics and Space Administration (NASA), shall con-
10 duct a study on the ability of the national test and evalua-
11 tion infrastructure, including ground test facilities and
12 open air ranges of the Department of Defense, and
13 leveraging NASA and private facilities, when appropriate,
14 to effectively and efficiently mature hypersonic tech-
15 nologies for defense systems development in the short and
16 long term.

17 (b) **REPORT AND PLAN.**—

18 (1) **IN GENERAL.**—Not later than one year
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the appropriate
21 congressional committees a report containing the re-
22 sults of the study required under subsection (a) to-
23 gether with a plan for requirements and proposed
24 investments to meet Department of Defense needs
25 through 2030.

1 (2) CONTENT.—The report required under
2 paragraph (1) shall include the following elements:

3 (A) An assessment of the current condition
4 and adequacy of the hypersonics test and eval-
5 uation infrastructure within the Department of
6 Defense, NASA, and the private sector to sup-
7 port hypersonic research and development with-
8 in the Department of Defense.

9 (B) An identification of test and evaluation
10 infrastructure outside the Department of De-
11 fense that could be used to support Department
12 of Defense hypersonic research and develop-
13 ment and assess means to ensure the avail-
14 ability of such capabilities to the Department in
15 the present and future.

16 (C) A time-phased plan to acquire required
17 hypersonics research, development, test and
18 evaluation capabilities, including identification
19 of the resources necessary to acquire any need-
20 ed capabilities that are currently not available.

21 (D) Other matters the Secretary deter-
22 mines are appropriate.

23 (3) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES DEFINED.—In this subsection, the term “ap-
25 propriate congressional committees” means—

1 (A) the Committee on Armed Services and
2 the Committee on Commerce, Science, and
3 Transportation of the Senate; and

4 (B) the Committee on Armed Services and
5 the Committee on Science, Space, and Tech-
6 nology of the House of Representatives.

7 **Subtitle H—Other Matters**

8 **SEC. 1076. TECHNICAL AND CLERICAL AMENDMENTS.**

9 (a) AMENDMENTS TO NATIONAL DEFENSE AUTHOR-
10 IZATION ACT FOR FISCAL YEAR 2012.—Effective as of
11 December 31, 2011, and as if included therein as enacted,
12 the National Defense Authorization Act for Fiscal Year
13 2012 (Public Law 112–81) is amended as follows:

14 (1) Section 243(d) (125 Stat. 1344) is amended
15 by striking “paragraph” and inserting “subsection”.

16 (2) Section 323(b) (125 Stat. 1362) is amended
17 by striking “Section 328(b)(A)” and inserting “Sec-
18 tion 328(b)(2)(A)”.

19 (3) Section 541(b) (125 Stat. 1407) is amended
20 by striking “, as amended by subsection (a),”.

21 (4) Section 589(b) (125 Stat. 1438) is amended
22 by striking “section 717” and inserting “section
23 2564”.

1 (5) Section 602(a)(2) (125 Stat. 1447) is
2 amended by striking “repairs,” and inserting “re-
3 pairs”.

4 (6) Section 631(e)(28)(A) (125 Stat. 1464) is
5 amended by striking “before ‘In addition’” and in-
6 serting “before ‘Under regulations’”.

7 (7) Section 631(f)(2) (125 Stat. 1464) is
8 amended by striking “table of chapter” and insert-
9 ing “table of chapters”.

10 (8) Section 631(f)(3)(B) (125 Stat. 1465) is
11 amended by striking “chapter 9” and inserting
12 “chapter 10”.

13 (9) Section 631(f)(4) (125 Stat. 1465) is
14 amended by striking “subsection (c)” both places it
15 appears and inserting “subsection (d)”.

16 (10) Section 801 (125 Stat. 1482) is amend-
17 ed—

18 (A) in subsection (a)(1)(B), by striking
19 “paragraphs (6) and (7)” and inserting “para-
20 graphs (5) and (6)”;

21 (B) in subsection (a)(2), in the matter pro-
22 posed to be inserted as a new paragraph, by
23 striking the double closing quotation marks
24 after “capabilities” and inserting a single clos-
25 ing quotation mark; and

1 (C) in subsection (e)(1)(A), by striking
2 “**Point**” in the matter proposed to be struck
3 and inserting “**Point A**”.

4 (11) Section 806(d) (125 Stat. 1487) is amend-
5 ed by striking “paragraph (2)” and inserting “sub-
6 section (c)(2)”.

7 (12) Section 832(b)(1) (125 Stat. 1504) is
8 amended by striking “Defenese” and inserting “De-
9 fense”.

10 (13) Section 855 (125 Stat. 1521) is amended
11 by striking “Section 139e(b)(12)” and inserting
12 “Section 139c(b)(12)”.

13 (14) Section 864(a)(2) (125 Stat. 1522) is
14 amended by striking “for Acquisition Workforce
15 Programs” in the matter proposed to be struck.

16 (15) Section 864(d)(2) (125 Stat. 1525) is
17 amended to read as follows:

18 “(2) in paragraph (6), by striking ‘ensure that
19 amounts collected’ and all that follows through the
20 end of the paragraph (as amended by section 526 of
21 division C of Public Law 112–74 (125 Stat. 914))
22 and inserting ‘ensure that amounts collected under
23 this section are not used for a purpose other than
24 the activities set forth in section 1201(a) of this
25 title.’”.

1 (16) Section 866(a) (125 Stat. 1526) is amend-
2 ed by striking “September 30” in the matter pro-
3 posed to be struck and inserting “December 31”.

4 (17) Section 867 (125 Stat. 1526) is amend-
5 ed—

6 (A) in paragraph (1), by striking “2010”
7 in the matter proposed to be struck and insert-
8 ing “2011”; and

9 (B) in paragraph (2), by striking “2013”
10 in the matter proposed to be struck and insert-
11 ing “2014”.

12 (18) Section 933(c) (125 Stat. 1544; 10 U.S.C.
13 2330 note) is amended by striking “of this title” in
14 the matter proposed to be inserted and inserting “of
15 title 10, United States Code”.

16 (19) Section 1045(c)(1) (125 Stat. 1577) is
17 amended by striking “described in subsection (b)”
18 and inserting “described in paragraph (2)”.

19 (20) Section 1067 (125 Stat. 1589) is amend-
20 ed—

21 (A) by striking subsection (a); and

22 (B) by striking the subsection designation
23 and the subsection heading of subsection (b).

24 (21) Section 2702 (125 Stat. 1681) is amend-
25 ed—

1 (A) in the section heading, by striking
2 **“AUTHORIZED”** and inserting **“AUTHORIZA-**
3 **TION OF APPROPRIATIONS FOR”**; and

4 (B) by striking “Using amounts” and all
5 that follows through “may carry out” and in-
6 serting “Funds are hereby authorized to be ap-
7 propriated for fiscal years beginning after Sep-
8 tember 30, 2011, for”.

9 (22) Section 2815(c) (125 Stat. 1689) is
10 amended by inserting “subchapter III of” before
11 “chapter 169”.

12 (b) AMENDMENTS TO IKE SKELTON NATIONAL DE-
13 FENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—
14 Effective as of January 7, 2011, and as if included therein
15 as enacted, the Ike Skelton National Defense Authoriza-
16 tion Act for Fiscal Year 2011 (Public Law 111–383) is
17 amended as follows:

18 (1) Section 358(c)(3) (124 Stat. 4199) is
19 amended by striking “fulfil” and inserting “fulfill”.

20 (2) Section 533(b) (124 Stat. 4216) is amended
21 by inserting “Section” before “1559(a)”.

22 (3) Section 896(a) (124 Stat. 4314) is amended
23 by striking “Chapter 7” and inserting “Chapter 4”.

1 (4) Section 1075(b)(50)(C) (124 Stat. 4371) is
2 amended by striking “subsection (j)(1)” and insert-
3 ing “subsection (j)”.

4 (5) Section 1203(a) (124 Stat. 4386) is amend-
5 ed in the matter preceding paragraph (1) by striking
6 “Fiscal Year 2009” and inserting “Fiscal Year
7 2008”.

8 (c) AMENDMENTS TO REFLECT REDESIGNATION OF
9 CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DE-
10 FENSE.—

11 (1) ASSISTANT SECRETARY OF DEFENSE FOR
12 NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE
13 PROGRAMS.—Section 1605(a)(5) of the National De-
14 fense Authorization Act for Fiscal Year 1994 (Pub-
15 lic Law 103–160; 22 U.S.C. 2751 note) is amended
16 by striking “The Assistant to the Secretary of De-
17 fense for Nuclear and Chemical and Biological De-
18 fense Programs” and inserting “The Assistant Sec-
19 retary of Defense for Nuclear, Chemical, and Bio-
20 logical Defense Programs”.

21 (2) ASSISTANT SECRETARY OF DEFENSE FOR
22 RESEARCH AND ENGINEERING.—

23 (A) The following provisions are amended
24 by striking “Director of Defense Research and
25 Engineering” and inserting “Assistant Sec-

1 retary of Defense for Research and Engineer-
2 ing”:

3 (i) Sections 2362(a)(1) and
4 2521(e)(5) of title 10, United States Code.

5 (ii) Section 241(c) of the National De-
6 fense Authorization Act for Fiscal Year
7 2006 (Public Law 109–163; 10 U.S.C.
8 2521 note).

9 (iii) Section 212(b) of the Ronald W.
10 Reagan National Defense Authorization
11 Act for Fiscal Year 2005 (Public Law
12 108–375; 10 U.S.C. 2358 note).

13 (iv) Section 246(d)(1) of the Bob
14 Stump National Defense Authorization Act
15 for Fiscal Year 2003 (Public Law 107–
16 314; 10 U.S.C. 2358 note).

17 (v) Section 257(a) of the National De-
18 fense Authorization Act for Fiscal Year
19 1995 (Public Law 103–337; 10 U.S.C.
20 2358 note).

21 (vi) Section 1101(b)(1)(D) of the
22 Strom Thurmond National Defense Au-
23 thorization Act for Fiscal Year 1999 (Pub-
24 lic Law 105–261; 5 U.S.C. 3104 note).

1 (vii) Section 802(g)(1)(B)(ii) of the
2 Higher Education Opportunity Act (20
3 U.S.C. 9631(g)(1)(B)(ii)).

4 (B) Section 2365 of title 10, United States
5 Code, is amended—

6 (i) in subsection (a), by inserting “of
7 Defense for Research and Engineering”
8 after “Assistant Secretary”; and

9 (ii) in subsection (d)(3)(A), by strik-
10 ing “Director” and inserting “Assistant
11 Secretary”.

12 (C) Section 256 of the National Defense
13 Authorization Act for Fiscal Year 2006 (Public
14 Law 109–163; 10 U.S.C. 1071 note) is amend-
15 ed in subsections (b)(4) and (d) by striking
16 “Director, Defense” and inserting “Assistant
17 Secretary of Defense for”.

18 (D) Section 1504 of the Duncan Hunter
19 National Defense Authorization Act for Fiscal
20 Year 2009 (Public Law 110–417; 10 U.S.C.
21 2358 note) is amended—

22 (i) in subsection (a), by striking “Di-
23 rector of Defense” and inserting “Assist-
24 ant Secretary of Defense for”; and

1 (ii) in subsection (b)(9), by striking
2 “the Director of the” and all that follows
3 through “Engineering” and inserting “the
4 Director and the Assistant Secretary”.

5 (E) Section 802 of the National Defense
6 Authorization Act for Fiscal Year 1994 (Public
7 Law 103–160; 10 U.S.C. 2358 note) is amend-
8 ed—

9 (i) in subsection (a), by striking “Di-
10 rector of Defense” and inserting “Assist-
11 ant Secretary of Defense for”;

12 (ii) in subsections (b), (d), and (e), by
13 striking “Director” and inserting “Assist-
14 ant Secretary”; and

15 (iii) in subsection (f), by striking “Not
16 later than” and all that follows through
17 “the Director” and inserting “The Assist-
18 ant Secretary”.

19 (F) Section 214 of the National Defense
20 Authorization Act for Fiscal Year 2008 (Public
21 Law 110–181; 10 U.S.C. 2521 note) is amend-
22 ed by striking “unless the” and all that follows
23 through “ensures” and inserting “unless the
24 Assistant Secretary of Defense for Research
25 and Engineering ensures”.

1 (3) ASSISTANT SECRETARY OF DEFENSE FOR
2 OPERATIONAL ENERGY PLANS AND PROGRAMS.—
3 Section 2925(b) of title 10, United States Code, is
4 amended—

5 (A) in paragraph (1), by striking “Director
6 of” and inserting “Assistant Secretary of De-
7 fense for”; and

8 (B) in paragraph (2)(G), by striking “Di-
9 rector” both places it appears and inserting
10 “Assistant Secretary”.

11 (d) CROSS-REFERENCE AMENDMENTS IN TITLE
12 10.—Title 10, United States Code, is amended as follows:

13 (1) Section 1722b(c) is amended—

14 (A) in paragraph (3), by striking “sub-
15 sections (b)(2)(A) and (b)(2)(B)” and inserting
16 “subsections (b)(1)(A) and (b)(1)(B)”; and

17 (B) in paragraph (4), by striking
18 “1734(d), or 1736(c)” and inserting “or
19 1734(d)”.

20 (2) Section 1787(b) is amended—

21 (A) by striking “section 3(1)” and insert-
22 ing “section 3”; and

23 (B) by striking “42 U.S.C. 5102” and in-
24 serting “Public Law 93–247; 42 U.S.C. 5101
25 note”.

1 (3) Section 2382(b)(1) is amended by inserting
2 “of the Small Business Act (15 U.S.C. 657q(c)(4))”
3 after “section 44(c)(4)”.

4 (4) Section 2474(d) is amended by striking
5 “section 2667(d)” and inserting “section 2667(e)”.

6 (5) Section 2548(e)(2) is amended by striking
7 “section 103(f) of the Weapon Systems Acquisition
8 Reform Act of 2009 (10 U.S.C. 2430 note),” and in-
9 serting “section 2438(f) of this title”.

10 (6) Section 2925 is amended—

11 (A) in subsection (a)(1), by striking “sec-
12 tion 533” and inserting “section 553”; and

13 (B) in subsection (b)(1), by striking “sec-
14 tion 139b” and inserting “section 138c”.

15 (e) DATE OF ENACTMENT REFERENCES.—Title 10,
16 United States Code, is amended as follows:

17 (1) Section 1564(a)(2)(B) is amended by strik-
18 ing “the date of the enactment of the Ike Skelton
19 National Defense Authorization Act for Fiscal Year
20 2011” in clauses (ii) and (iii) and inserting “Janu-
21 ary 7, 2011”.

22 (2) Section 2216a(e) is amended by striking
23 “on the last day of” and all that follows and insert-
24 ing “on September 30, 2015.”.

1 (3) Section 2359b(k)(5) is amended by striking
2 “the date that is five years after the date of the en-
3 actment of this Act” and inserting “January 7,
4 2016”.

5 (4) Section 2649(c) is amended by striking
6 “During the 5-year period beginning on the date of
7 the enactment of the Ike Skelton National Defense
8 Authorization Act for Fiscal Year 2011” and insert-
9 ing “Until January 6, 2016”.

10 (5) Section 2790(g)(1) is amended by striking
11 “on or after the date of the enactment of the Ike
12 Skelton National Defense Authorization Act for Fis-
13 cal Year 2011” and inserting “after January 6,
14 2011,”.

15 (6) Sections 3911(b)(2), 6323(a)(2)(B), and
16 8911(b)(2) are amended by striking “the date of the
17 enactment of the Ike Skelton National Defense Au-
18 thorization Act for Fiscal Year 2011” and inserting
19 “January 7, 2011,”.

20 (7) Section 10217(d)(3) is amended by striking
21 “after the end of the 2-year period beginning on the
22 date of the enactment of this subsection” and insert-
23 ing “after January 6, 2013”.

24 (f) OTHER MISCELLANEOUS AMENDMENTS TO TITLE
25 10.—Title 10, United States Code, is amended as follows:

1 (1) Section 113(e)(2) is amended by striking
2 “on” after “Board on”.

3 (2) The table of sections at the beginning of
4 chapter 4 is amended by striking the item relating
5 to section 133b.

6 (3) Paragraph (3) of section 138(c), as added
7 by section 314(a) of the National Defense Author-
8 ization Act for Fiscal Year 2012 (Public Law 112–
9 81; 125 Stat. 1357), is transferred to appear at the
10 end of section 138c(c).

11 (4) Section 139a(d)(4) is amended by adding a
12 period at the end.

13 (5) Section 139b(a)(6) is amended by striking
14 “propriety” and inserting “proprietary”.

15 (6) The item relating to section 225 at the end
16 of the table of sections at the beginning of chapter
17 9 is transferred to appear after the item relating to
18 section 224.

19 (7) Section 401(d) is amended by striking
20 “Committee on International Relations” and insert-
21 ing “Committee on Foreign Affairs”.

22 (8) Section 843(b)(2)(B)(v) (article 43 of the
23 Uniform Code of Military Justice) is amended by
24 striking “Kidnaping,,” and inserting “Kidnaping,”.

1 (9) Section 920(g)(7) (article 120 of the Uni-
2 form Code of Military Justice) is amended by strik-
3 ing the second period at the end.

4 (10) Section 983(b)(1) is amended by striking
5 “or Secretary” and inserting “or the Secretary”.

6 (11) Section 1086(b)(1) is amended by striking
7 “clause (2)” and inserting “paragraph (2)”.

8 (12) Section 1142(b)(10) is amended by strik-
9 ing “training,,” and inserting “training,”.

10 (13) Section 1143(a) is amended by inserting
11 after “Coast Guard” the following: “when it is not
12 operating as a service in the Navy”.

13 (14) Section 1143a(h) is amended by inserting
14 after “Coast Guard” the second place it appears the
15 following: “when it is not operating as a service in
16 the Navy”.

17 (15) Section 1145(e) is amended by inserting
18 before the period at the end the following: “when the
19 Coast Guard is not operating as a service in the
20 Navy”.

21 (16) Section 1146(b) is amended by inserting
22 before the period at the end the following: “when the
23 Coast Guard is not operating as a service in the
24 Navy”.

1 (17) Section 1149 is amended by inserting after
2 “Coast Guard” the following: “when it is not oper-
3 ating as a service in the Navy”.

4 (18) Section 1150(c) is amended by inserting
5 after “Coast Guard” the second place it appears the
6 following: “when it is not operating as a service in
7 the Navy”.

8 (19) Section 1401(a) is amended by striking
9 “columns 1, 2, 3, and 4,” in the matter preceding
10 the table and inserting “columns 1, 2, and 3,”.

11 (20) Section 1599a(a) is amended by striking
12 “National Security Act” and inserting “National Se-
13 curity Agency Act”.

14 (21) Section 1781(a) is amended—

15 (A) in the first sentence, by striking “Di-
16 rector” and inserting “Office”;

17 (B) in the first sentence, by striking “here-
18 inafter”; and

19 (C) in the second sentence, by striking “of-
20 fice” both places it appears and inserting “Of-
21 fice”.

22 (22) Section 1790, as added by section 8070 of
23 division A of Public 112–74 (125 Stat. 822), is
24 amended—

1 (A) by striking the section heading and in-
2 serting the following:

3 **“§ 1790. Military personnel citizenship processing”;**

4 (B) by striking “AUTHORIZATION OF PAY-
5 MENTS.—”;

6 (C) by striking “title 10, United States
7 Code” and inserting “this title”;

8 (D) by striking “8 U.S.C. §§ 1439” and
9 inserting “8 U.S.C. 1439”; and

10 (E) by striking “sections 286(m) and (n)
11 of such Act (8 U.S.C. § 1356(m))” and insert-
12 ing “subsections (m) and (n) of section 286 of
13 such Act (8 U.S.C. 1356)”.

14 (23) Section 2006(b)(2) is amended by redesign-
15 ating the second subparagraph (E) (as added by
16 section 109(b)(2)(B) of Public Law 111–377 (124
17 Stat. 4120), effective August 1, 2011) as subpara-
18 graph (F).

19 (24) Section 2318(a)(2) is amended by striking
20 “section 1705(b) and (c)” and inserting “sub-
21 sections (b) and (c) of section 1705”.

22 (25) Section 2350m(e) is amended by striking
23 “Not later than October 31, 2009, and annually
24 thereafter” and inserting “Not later than October
25 31 each year”.

1 (26) Section 2401 is amended by striking “the
2 Committee on Armed Services and the Committee on
3 Appropriations of the Senate and the Committee on
4 Armed Services and the Committee on Appropria-
5 tions of the House of Representatives” in sub-
6 sections (b)(1)(B) and (h)(1) and inserting “the con-
7 gressional defense committees”.

8 (27) Section 2438(a)(3) is amended by insert-
9 ing “the senior” before “official’s”.

10 (28) Section 2461(d)(2) is amended by striking
11 “that Act” and inserting “such section”.

12 (29) Section 2533a(k) is amended by striking
13 “FedBizOps.gov” and inserting “FedBizOpps.gov”.

14 (30) Section 2548 is amended—

15 (A) in subsection (a)—

16 (i) by striking “Not later than” and
17 all that follows through “the Secretary”
18 and inserting “The Secretary”; and

19 (ii) by adding a period at the end of
20 paragraph (3);

21 (B) in subsection (d)—

22 (i) in the subsection heading, by in-
23 serting “AND” after “PERFORMANCE” the
24 second place it appears; and

1 (ii) by striking “Beginning with fiscal
2 year 2012, the” and inserting “The”; and
3 (C) in subsection (e)(1), by striking “,
4 United States Code,”.

5 (31) Section 2561(f)(2) is amended by striking
6 “Committee on International Relations” and insert-
7 ing “Committee on Foreign Affairs”.

8 (32) Section 2601a(a)(1) is amended by insert-
9 ing after “Coast Guard” the first place it appears
10 the following: “when it is not operating as a service
11 in the Navy”.

12 (33) Section 2687(f) is amended by striking “at
13 a result” and inserting “as a result”.

14 (34) Section 2687a is amended—

15 (A) in subsection (a), by striking “Foreign
16 relations” and inserting “Foreign Relations”;
17 and

18 (B) in subsection (b)(1)—

19 (i) by striking the comma after “in-
20 cluding”; and

21 (ii) by striking “The Treaty” and in-
22 serting “the Treaty”.

23 (35) Section 2835 is amended—

1 (A) in subsection (a), by inserting after
2 “Coast Guard” the following: “when it is not
3 operating as a service in the Navy”; and

4 (B) in subsection (g)(1), by inserting after
5 “Coast Guard” the following: “when it is not
6 operating as a service in the Navy”.

7 (36) Section 2836 is amended—

8 (A) in subsection (a), by inserting after
9 “Coast Guard” the following: “when it is not
10 operating as a service in the Navy”; and

11 (B) in paragraphs (4)(B) and (11) of sub-
12 section (c), by inserting after “Coast Guard”
13 the following: “when it is not operating as a
14 service in the Navy”.

15 (37) Section 3201(a) is amended by striking
16 “(beginning with fiscal year 1999)”.

17 (38) Section 4342 is amended—

18 (A) in subsection (b)—

19 (i) in paragraph (1), by striking
20 “clause” both places it appears and insert-
21 ing “paragraph”; and

22 (ii) in paragraph (5), by striking
23 “clauses” and inserting “paragraphs”;

24 (B) in subsection (d), by striking “clauses”
25 and inserting “paragraphs”; and

1 (C) in subsection (f), by striking “clauses”
2 and inserting “paragraphs”.

3 (39) Section 4343 is amended by striking
4 “clauses” and inserting “paragraphs”.

5 (40) Section 6954 is amended—

6 (A) in subsection (b)—

7 (i) in paragraph (1), by striking
8 “clause” both places it appears and insert-
9 ing “paragraph”; and

10 (ii) in paragraph (5), by striking
11 “clauses” and inserting “paragraphs”; and

12 (B) in subsection (d), by striking “clauses”
13 and inserting “paragraphs”.

14 (41) Section 6956(b) is amended by striking
15 “clauses” and inserting “paragraphs”.

16 (42) Section 9342 is amended—

17 (A) in subsection (b)—

18 (i) in paragraph (1), by striking
19 “clause” both places it appears and insert-
20 ing “paragraph”; and

21 (ii) in paragraph (5), by striking
22 “clauses” and inserting “paragraphs”;

23 (B) in subsection (d), by striking “clauses”
24 and inserting “paragraphs”; and

1 (C) in subsection (f), by striking “clauses”
2 and inserting “paragraphs”.

3 (43) Section 9343 is amended by striking
4 “clauses” and inserting “paragraphs”.

5 (44) Section 9515(b) is amended by striking
6 “required by” and all the follows through “2008”
7 and inserting “required by section 356 of the Na-
8 tional Defense Authorization Act for Fiscal Year
9 2008”.

10 (45) Section 10217(c)(3) is amended by strik-
11 ing “consider” and inserting “considered”.

12 (g) REPEAL OF EXPIRED PROVISIONS.—Title 10,
13 United States Code, is amended as follows:

14 (1) Section 1108 is amended—

15 (A) by striking subsections (j) and (k); and

16 (B) by redesignating subsection (l) as sub-
17 section (j).

18 (2) Section 2325 is amended by striking sub-
19 section (b) and redesignating subsection (c) as sub-
20 section (b).

21 (3) Section 2349a is repealed, and the table of
22 sections at the beginning of subchapter I of chapter
23 138 is amended by striking the item relating to that
24 section.

1 (4) Section 2374b is repealed, and the table of
2 sections at the beginning of chapter 139 is amended
3 by striking the item relating to that section.

4 (h) AMENDMENTS TO TITLE 37.—Title 37, United
5 States Code, is amended as follows:

6 (1) Section 310(c)(1) is amended by striking
7 “section for for” and inserting “section for”.

8 (2) Section 431, as transferred to chapter 8 of
9 such title by section 631(d)(2) of the National De-
10 fense Authorization Act for Fiscal Year 2012 (Pub-
11 lic Law 112–81; 125 Stat. 1460), is redesignated as
12 section 491.

13 (3) Section 501(a)(5) is amended by striking “a
14 reserve a component” and inserting “a reserve com-
15 ponent”.

16 (i) AMENDMENT TO TITLE 46.—Section 51301(a) of
17 title 46, United States Code, is amended in the heading
18 by striking “IN GENERAL” and inserting “IN GENERAL”.

19 (j) DUPLICATIVE PROVISION IN ARMED FORCES RE-
20 TIREMENT HOME ACT OF 1991.—Section 1511(d) of the
21 Armed Forces Retirement Home Act of 1991 (24 U.S.C.
22 411(d)) is amended by striking the first paragraph (3),
23 leaving the second paragraph (3) added by section 561
24 of Public Law 112–81 (125 Stat. 1420).

1 (k) CROSS REFERENCES AND DATE OF ENACTMENT
2 REFERENCES IN REINSTATEMENT OF TEMPORARY EARLY
3 RETIREMENT AUTHORITY.—Section 4403 of the National
4 Defense Authorization Act for Fiscal Year 1993 (Public
5 Law 102–484; 10 U.S.C. 1293 note), as amended by sec-
6 tion 504(b) of the National Defense Authorization Act for
7 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1391),
8 is amended—

9 (1) in subsection (c)(2)—

10 (A) in subparagraph (A), by striking
11 “1995 (” and inserting “1995 (Public Law
12 103–337;” and

13 (B) in subparagraph (B), by striking
14 “1995” and inserting “1996”;

15 (2) in subsection (h), by striking “the date of
16 the enactment of the National Defense Authoriza-
17 tion Act for Fiscal Year 2012” and inserting “De-
18 cember 31, 2011,”; and

19 (3) in subsection (i)(2), by striking “the date of
20 the enactment of the National Defense Authoriza-
21 tion Act for Fiscal Year 2012” and inserting “De-
22 cember 31, 2011,”.

23 (l) CORRECTION OF ERRONEOUS AMENDMENT IN-
24 STRUCTIONS.—Effective as of August 10, 2012, and as
25 if included therein as enacted, section 2(c)(3) of Public

1 Law 112–166 (126 Stat. 1284) is amended by striking
2 “Selective Service Act of 1948” and inserting “Military
3 Selective Service Act”.

4 (m) COORDINATION WITH OTHER AMENDMENTS
5 MADE BY THIS ACT.—For purposes of applying amend-
6 ments made by provisions of this Act other than this sec-
7 tion, the amendments made by this section shall be treated
8 as having been enacted immediately before any amend-
9 ment made by other provisions of this Act.

10 **SEC. 1077. SENSE OF CONGRESS ON RECOGNIZING AIR MO-**

11 **BILITY COMMAND ON ITS 20TH ANNIVER-**

12 **SARY.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) On June 1, 1992, Air Mobility Command
15 was established as the Air Force’s functional com-
16 mand for cargo and passenger delivery, air refueling,
17 and aeromedical evacuation.

18 (2) As the lead Major Command for all Mobility
19 Air Forces, Air Mobility Command ensures that the
20 Air Force’s core functions of global vigilance, power,
21 and reach are fulfilled.

22 (3) The ability of the United States to rapidly
23 respond to humanitarian disasters and the outbreak
24 of hostilities anywhere in the world truly defines the
25 United States as a global power.

1 (4) Mobility Air Forces Airmen are unified by
2 one single purpose: to answer the call of others so
3 they may prevail.

4 (5) The United States' hand of friendship to
5 the world many times takes the form of Mobility Air
6 Forces aircraft delivering humanitarian relief. Since
7 its inception, Air Mobility Command has provided
8 forces for 43 humanitarian relief efforts at home
9 and abroad, from New Orleans, Louisiana, to Bam,
10 Iran.

11 (6) A Mobility Air Forces aircraft departs every
12 2 minutes, 365 days a year. Since September 11,
13 2001, Mobility Air Forces aircraft have flown 18.9
14 million passengers, 6.8 million tons of cargo, and
15 offloaded 2.2 billion pounds of fuel. Many of these
16 flights have assisted combat aircraft protection
17 United States forces from overhead.

18 (7) The United States keeps its solemn promise
19 to its men and women in uniform with Air Mobility
20 Command, accomplishing 186,940 patient move-
21 ments since the beginning of Operation Iraqi Free-
22 dom.

23 (8) Mobility Air Forces Airmen reflect the best
24 values of the Nation: delivering hope, saving lives,
25 and fueling the fight.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that, on the occasion of the 20th anniversary of the
3 establishment of Air Mobility Command, the people of the
4 United States should—

5 (1) recognize the critical role that Mobility Air
6 Forces play in the Nation’s defense; and

7 (2) express appreciation for the leadership of
8 Air Mobility Command and the more than 134,000
9 active-duty, Air National Guard, Air Force Reserve,
10 and Department of Defense civilians that make up
11 the command.

12 **SEC. 1078. DISSEMINATION ABROAD OF INFORMATION**
13 **ABOUT THE UNITED STATES.**

14 (a) UNITED STATES INFORMATION AND EDU-
15 CATIONAL EXCHANGE ACT OF 1948.—Section 501 of the
16 United States Information and Educational Exchange Act
17 of 1948 (22 U.S.C. 1461) is amended to read as follows:

18 “GENERAL AUTHORIZATION

19 “SEC. 501. (a) The Secretary and the Broadcasting
20 Board of Governors are authorized to use funds appro-
21 priated or otherwise made available for public diplomacy
22 information programs to provide for the preparation, dis-
23 semination, and use of information intended for foreign
24 audiences abroad about the United States, its people, and
25 its policies, through press, publications, radio, motion pic-
26 tures, the Internet, and other information media, includ-

1 ing social media, and through information centers, in-
2 structors, and other direct or indirect means of commu-
3 nication.

4 “(b)(1) Except as provided in paragraph (2), the Sec-
5 retary and the Broadcasting Board of Governors may,
6 upon request and reimbursement of the reasonable costs
7 incurred in fulfilling such a request, make available, in the
8 United States, motion pictures, films, video, audio, and
9 other materials disseminated abroad pursuant to this Act,
10 the United States International Broadcasting Act of 1994
11 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba
12 Act (22 U.S.C. 1465 et seq.), or the Television Broad-
13 casting to Cuba Act (22 U.S.C. 1465aa et seq.). Any reim-
14 bursement pursuant to this paragraph shall be credited
15 to the applicable appropriation account of the Department
16 of State or the Broadcasting Board of Governors, as ap-
17 propriate. The Secretary and the Broadcasting Board of
18 Governors shall issue necessary regulations—

19 “(A) to establish procedures to maintain such
20 material;

21 “(B) for reimbursement of the reasonable costs
22 incurred in fulfilling requests for such material; and

23 “(C) to ensure that the persons seeking release
24 of such material have secured and paid for necessary
25 United States rights and licenses.

1 “(2) With respect to material disseminated abroad
2 before the effective date of section 1078 of the National
3 Defense Authorization Act for Fiscal Year 2013—

4 “(A) the Secretary and the Broadcasting Board
5 of Governors shall make available to the Archivist of
6 the United States, for domestic distribution, motion
7 pictures, films, videotapes, and other material 12
8 years after the initial dissemination of the material
9 abroad; and

10 “(B) the Archivist shall be the official custodian
11 of the material and shall issue necessary regulations
12 to ensure that persons seeking its release in the
13 United States have secured and paid for necessary
14 United States rights and licenses and that all costs
15 associated with the provision of the material by the
16 Archivist shall be paid by the persons seeking its re-
17 lease, in accordance with paragraph (4).

18 “(3) The Archivist may undertake the functions de-
19 scribed in paragraph (1) on behalf of and at the request
20 of the Secretary or the Broadcasting Board of Governors.

21 “(4) The Archivist may charge fees to recover the
22 costs described in paragraphs (1) and (2), in accordance
23 with section 2116(c) of title 44, United States Code. Such
24 fees shall be paid into, administered, and expended as part
25 of the National Archives Trust Fund.

1 1948 (22 U.S.C. 1431 et seq.), the United States Inter-
2 national Broadcasting Act of 1994 (22 U.S.C. 6201 et
3 seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.
4 1465 et seq.), and the Television Broadcasting to Cuba
5 Act (22 U.S.C. 1465aa et seq.). This section shall not pro-
6 hibit or delay the Department of State or the Broad-
7 casting Board of Governors from providing information
8 about its operations, policies, programs, or program mate-
9 rial, or making such available, to the media, public, or
10 Congress, in accordance with other applicable law.

11 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion shall be construed to prohibit the Department of
13 State or the Broadcasting Board of Governors from en-
14 gaging in any medium or form of communication, either
15 directly or indirectly, because a United States domestic
16 audience is or may be thereby exposed to program mate-
17 rial, or based on a presumption of such exposure. Such
18 material may be made available within the United States
19 and disseminated, when appropriate, pursuant to sections
20 502 and 1005 of the United States Information and Edu-
21 cational Exchange Act of 1948 (22 U.S.C. 1462 and
22 1437), except that nothing in this section may be con-
23 strued to authorize the Department of State or the Broad-
24 casting Board of Governors to disseminate within the
25 United States any program material prepared for dissemi-

1 nation abroad on or before the effective date of section
2 1078 of the National Defense Authorization Act for Fiscal
3 Year 2013.

4 “(c) APPLICATION.—The provisions of this section
5 shall apply only to the Department of State and the
6 Broadcasting Board of Governors and to no other depart-
7 ment or agency of the Federal Government.”.

8 (d) CONFORMING AMENDMENTS.—The United
9 States Information and Educational Exchange Act of
10 1948 is amended—

11 (1) in section 502 (22 U.S.C. 1462)—

12 (A) by inserting “and the Broadcasting
13 Board of Governors” after “Secretary”; and

14 (B) by inserting “or the Broadcasting
15 Board of Governors” after “Department”; and

16 (2) in section 1005 (22 U.S.C. 1437), by insert-
17 ing “and the Broadcasting Board of Governors”
18 after “Secretary” each place it appears.

19 (e) EFFECTIVE DATE.—This section shall take effect
20 and apply on the date that is 180 days after the date of
21 the enactment of this section.

22 **SEC. 1079. COORDINATION FOR COMPUTER NETWORK OP-**
23 **ERATIONS.**

24 (a) BRIEFING.—Not later than 90 days after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall provide to the Committees on Armed Services of the
2 Senate and House of Representatives a briefing on the
3 interagency process for coordinating and de-conflicting
4 full-spectrum military cyber operations for the Federal
5 Government.

6 (b) ELEMENTS.— The briefing required under sub-
7 section (a) shall include a description of each of the fol-
8 lowing:

9 (1) The business processes and rules governing
10 the interagency process for coordinating and de-con-
11 flicting full-spectrum military cyber operations.

12 (2) The membership and responsibilities of such
13 interagency process.

14 (3) The current status of interagency guidance
15 clarifying roles and responsibilities for full-spectrum
16 military cyber operations.

17 (4) Plans for implementing the planning and
18 guidance from such interagency process.

19 (c) BUDGET JUSTIFICATION DOCUMENTS.—The Sec-
20 retary of Defense shall submit to the congressional defense
21 committees dedicated budget documentation materials to
22 accompany the budget submissions for fiscal year 2015
23 and each subsequent fiscal year, including a single Depart-
24 ment of Defense-wide budget estimate and detailed budget
25 planning data for full-spectrum military cyberspace oper-

1 ations. Such materials shall be submitted in unclassified
2 form but may include a classified annex.

3 **SEC. 1080. SENSE OF CONGRESS REGARDING UNAUTHOR-**
4 **IZED DISCLOSURES OF CLASSIFIED INFOR-**
5 **MATION.**

6 It is the sense of Congress that—

7 (1) unauthorized disclosures of classified infor-
8 mation can threaten the national security and for-
9 eign relations of the United States;

10 (2) the Department of Defense has taken posi-
11 tive steps toward improving its policies, procedures,
12 and enforcement mechanisms regarding unauthor-
13 ized disclosures of classified information and should
14 continue to improve upon such policies, procedures,
15 and enforcement mechanisms;

16 (3) other departments and agencies of the Fed-
17 eral Government should undertake similar efforts, if
18 such departments and agencies have not already
19 done so; and

20 (4) the Department of Justice should inves-
21 tigate possible violations of Federal law related to
22 unauthorized disclosures of classified information,
23 including disclosures related to military, intelligence,
24 and operational capabilities of the United States and
25 allies of the United States and, in appropriate cases,

1 individuals responsible for such unauthorized disclo-
2 sures should be prosecuted to the full extent of the
3 law.

4 **SEC. 1081. TECHNICAL AMENDMENTS TO REPEAL STATU-**
5 **TORY REFERENCES TO UNITED STATES**
6 **JOINT FORCES COMMAND.**

7 Title 10, United States Code, is amended as follows:

8 (1)(A) Section 232 is repealed.

9 (B) The table of sections at the beginning of
10 chapter 9 is amended by striking the item relating
11 to section 232.

12 (2) Section 2859(d) is amended—

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

14 (B) by redesignating paragraph (3) as
15 paragraph (2).

16 (3) Section 10503(13)(B) is amended—

17 (A) by striking clause (iii); and

18 (B) redesignating clause (iv) as clause (iii).

19 **SEC. 1082. SENSE OF CONGRESS ON NON-UNITED STATES**
20 **CITIZENS WHO ARE GRADUATES OF UNITED**
21 **STATES EDUCATIONAL INSTITUTIONS WITH**
22 **ADVANCED DEGREES IN SCIENCE, TECH-**
23 **NOLOGY, ENGINEERING, AND MATHEMATICS.**

24 It is the sense of Congress—

1 (1) that the Department of Defense should
2 make every reasonable and practical effort to in-
3 crease the number of United States citizens who
4 pursue advanced degrees in science, technology, en-
5 gineering, and mathematics; and

6 (2) to strongly urge the Department of Defense
7 to investigate innovative mechanisms (subject to all
8 appropriate security requirements) to access the pool
9 of talent of non-United States citizens with advanced
10 scientific and technical degrees from United States
11 institutions of higher education, especially in those
12 scientific and technical areas that are most vital to
13 the national defense (such as those identified by the
14 Assistant Secretary of Defense for Research and En-
15 gineering and the Armed Forces).

16 **SEC. 1083. SCIENTIFIC FRAMEWORK FOR RECALCITRANT**
17 **CANCERS.**

18 Subpart 1 of part C of title IV of the Public Health
19 Service Act (42 U.S.C. 285 et seq.) is amended by adding
20 at the end the following:

21 **“SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT**
22 **CANCERS.**

23 “(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

24 “(1) IN GENERAL.—For each recalcitrant can-
25 cer identified under subsection (b), the Director of

1 the Institute shall develop (in accordance with sub-
2 section (c)) a scientific framework for the conduct or
3 support of research on such cancer.

4 “(2) CONTENTS.—The scientific framework
5 with respect to a recalcitrant cancer shall include the
6 following:

7 “(A) CURRENT STATUS.—

8 “(i) REVIEW OF LITERATURE.—A
9 summary of findings from the current lit-
10 erature in the areas of—

11 “(I) the prevention, diagnosis,
12 and treatment of such cancer;

13 “(II) the fundamental biologic
14 processes that regulate such cancer
15 (including similarities and differences
16 of such processes from the biological
17 processes that regulate other cancers);
18 and

19 “(III) the epidemiology of such
20 cancer.

21 “(ii) SCIENTIFIC ADVANCES.—The
22 identification of relevant emerging sci-
23 entific areas and promising scientific ad-
24 vances in basic, translational, and clinical

1 science relating to the areas described in
2 subclauses (I) and (II) of clause (i).

3 “(iii) RESEARCHERS.—A description
4 of the availability of qualified individuals
5 to conduct scientific research in the areas
6 described in clause (i).

7 “(iv) COORDINATED RESEARCH INI-
8 TIATIVES.—The identification of the types
9 of initiatives and partnerships for the co-
10 ordination of intramural and extramural
11 research of the Institute in the areas de-
12 scribed in clause (i) with research of the
13 relevant national research institutes, Fed-
14 eral agencies, and non-Federal public and
15 private entities in such areas.

16 “(v) RESEARCH RESOURCES.—The
17 identification of public and private re-
18 sources, such as patient registries and tis-
19 sue banks, that are available to facilitate
20 research relating to each of the areas de-
21 scribed in clause (i).

22 “(B) IDENTIFICATION OF RESEARCH
23 QUESTIONS.—The identification of research
24 questions relating to basic, translational, and
25 clinical science in the areas described in sub-

1 clauses (I) and (II) of subparagraph (A)(i) that
2 have not been adequately addressed with re-
3 spect to such recalcitrant cancer.

4 “(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be
5 taken to advance research in the areas de-
6 scribed in subparagraph (A)(i) and to address
7 the research questions identified in subpara-
8 graph (B), as well as for appropriate bench-
9 marks to measure progress on achieving such
10 actions, including the following:

12 “(i) RESEARCHERS.—Ensuring ade-
13 quate availability of qualified individuals
14 described in subparagraph (A)(iii).

15 “(ii) COORDINATED RESEARCH INI-
16 TIATIVES.—Promoting and developing ini-
17 tiatives and partnerships described in sub-
18 paragraph (A)(iv).

19 “(iii) RESEARCH RESOURCES.—Devel-
20 oping additional public and private re-
21 sources described in subparagraph (A)(v)
22 and strengthening existing resources.

23 “(3) TIMING.—

24 “(A) INITIAL DEVELOPMENT AND SUBSE-
25 QUENT UPDATE.—For each recalcitrant cancer

1 identified under subsection (b)(1), the Director
2 of the Institute shall—

3 “(i) develop a scientific framework
4 under this subsection not later than 18
5 months after the date of the enactment of
6 this section; and

7 “(ii) review and update the scientific
8 framework not later than 5 years after its
9 initial development.

10 “(B) OTHER UPDATES.—The Director of
11 the Institute may review and update each sci-
12 entific framework developed under this sub-
13 section as necessary.

14 “(4) PUBLIC NOTICE.—With respect to each
15 scientific framework developed under subsection (a),
16 not later than 30 days after the date of completion
17 of the framework, the Director of the Institute
18 shall—

19 “(A) submit such framework to the Com-
20 mittee on Energy and Commerce and Com-
21 mittee on Appropriations of the House of Rep-
22 resentatives, and the Committee on Health,
23 Education, Labor, and Pensions and Committee
24 on Appropriations of the Senate; and

1 “(B) make such framework publically
2 available on the Internet website of the Depart-
3 ment of Health and Human Services.

4 “(b) IDENTIFICATION OF RECALCITRANT CANCER.—

5 “(1) IN GENERAL.—Not later than 6 months
6 after the date of the enactment of this section, the
7 Director of the Institute shall identify two or more
8 recalcitrant cancers that each—

9 “(A) have a 5-year relative survival rate of
10 less than 20 percent; and

11 “(B) are estimated to cause the death of at
12 least 30,000 individuals in the United States
13 per year.

14 “(2) ADDITIONAL CANCERS.—The Director of
15 the Institute may, at any time, identify other recal-
16 citrant cancers for purposes of this section. In iden-
17 tifying a recalcitrant cancer pursuant to the previous
18 sentence, the Director may consider additional
19 metrics of progress (such as incidence and mortality
20 rates) against such type of cancer.

21 “(c) WORKING GROUPS.—For each recalcitrant can-
22 cer identified under subsection (b), the Director of the In-
23 stitute shall convene a working group comprised of rep-
24 resentatives of appropriate Federal agencies and other
25 non-Federal entities to provide expertise on, and assist in

1 developing, a scientific framework under subsection (a).
2 The Director of the Institute (or the Director's designee)
3 shall participate in the meetings of each such working
4 group.

5 “(d) REPORTING.—

6 “(1) BIENNIAL REPORTS.—The Director of
7 NIH shall ensure that each biennial report under
8 section 403 includes information on actions under-
9 taken to carry out each scientific framework devel-
10 oped under subsection (a) with respect to a recal-
11 citrant cancer, including the following:

12 “(A) Information on research grants
13 awarded by the National Institutes of Health
14 for research relating to such cancer.

15 “(B) An assessment of the progress made
16 in improving outcomes (including relative sur-
17 vival rates) for individuals diagnosed with such
18 cancer.

19 “(C) An update on activities pertaining to
20 such cancer under the authority of section
21 413(b)(7).

22 “(2) ADDITIONAL ONE-TIME REPORT FOR CER-
23 TAIN FRAMEWORKS.—For each recalcitrant cancer
24 identified under subsection (b)(1), the Director of
25 the Institute shall, not later than 6 years after the

1 initial development of a scientific framework under
2 subsection (a), submit a report to the Congress on
3 the effectiveness of the framework (including the up-
4 date required by subsection (a)(3)(A)(ii)) in improv-
5 ing the prevention, detection, diagnosis, and treat-
6 ment of such cancer.

7 “(e) RECOMMENDATIONS FOR EXCEPTION FUND-
8 ING.—The Director of the Institute shall consider each
9 relevant scientific framework developed under subsection
10 (a) when making recommendations for exception funding
11 for grant applications.

12 “(f) DEFINITION.—In this section, the term ‘reca-
13 citrant cancer’ means a cancer for which the five-year rel-
14 ative survival rate is below 50 percent.”.

15 **SEC. 1084. PROTECTION OF VETERANS’ MEMORIALS.**

16 (a) TRANSPORTATION OF STOLEN MATERIALS.—
17 Section 2314 of title 18, United States Code, is amend-
18 ed—

19 (1) by striking “or any part thereof—” and in-
20 serting the following: “or any part thereof; or”;

21 (2) by inserting before “Shall be fined under
22 this title” the following:

23 “Whoever transports, transmits, or transfers in inter-
24 state or foreign commerce any veterans’ memorial object,

1 knowing the same to have been stolen, converted or taken
2 by fraud—”;

3 (3) by inserting after “under this section is
4 greater.” the following: “If the offense involves the
5 transportation, transmission, or transfer in inter-
6 state or foreign commerce of veterans’ memorial ob-
7 jects with a value, in the aggregate, of less than
8 \$1,000, the defendant shall be fined under this title
9 or imprisoned not more than one year, or both.”;
10 and

11 (4) by adding at the end the following:

12 “For purposes of this section the term ‘veterans’ me-
13 morial object’ means a grave marker, headstone, monu-
14 ment, or other object, intended to permanently honor a
15 veteran or mark a veteran’s grave, or any monument that
16 signifies an event of national military historical signifi-
17 cance.”.

18 (b) SALE OR RECEIPT OF STOLEN MEMORIALS.—
19 Section 2315 of title 18, United States Code, is amend-
20 ed—

21 (1) by striking “or any part thereof—” and in-
22 serting the following: “or any part thereof; or”;

23 (2) by inserting before “Shall be fined under
24 this title” the following:

1 “Whoever receives, possesses, conceals, stores, bar-
2 ters, sells, or disposes of any veterans’ memorial object
3 which has crossed a State or United States boundary after
4 being stolen, unlawfully converted, or taken, knowing the
5 same to have been stolen, unlawfully converted, or taken—
6 ’”;

7 (3) by inserting after “under this section is
8 greater.” the following: “If the offense involves the
9 receipt, possession, concealment, storage, barter,
10 sale, or disposal of veterans’ memorial objects with
11 a value, in the aggregate, of less than \$1,000, the
12 defendant shall be fined under this title or impris-
13 oned not more than one year, or both.”; and

14 (4) by adding at the end the following: “For
15 purposes of this section the term ‘veterans’ memorial
16 object’ means a grave marker, headstone, monu-
17 ment, or other object, intended to permanently
18 honor a veteran or mark a veteran’s grave, or any
19 monument that signifies an event of national mili-
20 tary historical significance.”.

21 **SEC. 1085. SENSE OF CONGRESS REGARDING SPECTRUM.**

22 It is the sense of Congress that—

23 (1) the United States mobile communications
24 industry is a significant economic engine;

1 (2) while wireless carriers are continually imple-
2 menting new and more efficient technologies and
3 techniques to maximize their existing spectrum ca-
4 pacity, there is a pressing need for additional spec-
5 trum for mobile broadband services;

6 (3) as the United States faces the growing de-
7 mand for spectrum, consideration should be given to
8 both the supply of spectrum for licensed networks
9 and for unlicensed devices;

10 (4) while such growing demand can be met in
11 part by reallocating spectrum from existing non-gov-
12 ernmental uses, the long-term solution must include
13 reallocation and sharing of Federal Government
14 spectrum for private sector use;

15 (5) recognizing the important uses of spectrum
16 by the Federal Government, including for national
17 security, law enforcement, and other critical Federal
18 uses, existing law ensures that Federal operations
19 are not harmed as a result of a reallocation of spec-
20 trum for commercial use, including through the es-
21 tablishment of the Spectrum Relocation Fund to re-
22 imburse Federal users for the costs of planning and
23 implementing relocation and sharing arrangements
24 and, with respect to spectrum vacated by the De-
25 partment of Defense, certification under section

1 1062(b) of the National Defense Authorization Act
2 for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
3 768) by the Secretary of Defense, the Secretary of
4 Commerce, and the Chairman of the Joint Chiefs of
5 Staff that replacement spectrum provides com-
6 parable technical characteristics to restore essential
7 military capability; and

8 (6) given the need to determine equitable out-
9 comes for the United States in relation to spectrum
10 use that balance the demand of the private sector
11 for spectrum with national security and other critical
12 Federal missions, all interested parties should be en-
13 couraged to continue the collaborative efforts be-
14 tween industry and government stakeholders that
15 have been launched by the National Telecommuni-
16 cations and Information Administration to assess
17 and recommend practical frameworks for the devel-
18 opment of relocation, transition, and sharing ar-
19 rangement and plans for 110 megahertz of Federal
20 spectrum in the 1695–1710 MHz and the 1755–
21 1850 MHz bands.

22 **SEC. 1086. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.**

23 (a) SHORT TITLE.—This section may be cited as the
24 “Dale Long Public Safety Officers’ Benefits Improve-
25 ments Act of 2012”.

1 (b) BENEFITS FOR CERTAIN NONPROFIT EMER-
2 GENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS
3 AMENDMENTS.—

4 (1) IN GENERAL.—Title I of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (42
6 U.S.C. 3711 et seq.) is amended—

7 (A) in section 901(a) (42 U.S.C.
8 3791(a))—

9 (i) in paragraph (26), by striking
10 “and” at the end;

11 (ii) in paragraph (27), by striking the
12 period at the end and inserting “; and”;
13 and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(28) the term ‘hearing examiner’ includes any
17 medical or claims examiner.”;

18 (B) in section 1201 (42 U.S.C. 3796)—

19 (i) in subsection (a), by striking “fol-
20 lows:” and all that follows and inserting
21 the following: “follows (if the payee indi-
22 cated is living on the date on which the de-
23 termination is made)—

1 “(1) if there is no child who survived the public
2 safety officer, to the surviving spouse of the public
3 safety officer;

4 “(2) if there is at least 1 child who survived the
5 public safety officer and a surviving spouse of the
6 public safety officer, 50 percent to the surviving
7 child (or children, in equal shares) and 50 percent
8 to the surviving spouse;

9 “(3) if there is no surviving spouse of the public
10 safety officer, to the surviving child (or children, in
11 equal shares);

12 “(4) if there is no surviving spouse of the public
13 safety officer and no surviving child—

14 “(A) to the surviving individual (or individ-
15 uals, in shares per the designation, or, other-
16 wise, in equal shares) designated by the public
17 safety officer to receive benefits under this sub-
18 section in the most recently executed designa-
19 tion of beneficiary of the public safety officer on
20 file at the time of death with the public safety
21 agency, organization, or unit; or

22 “(B) if there is no individual qualifying
23 under subparagraph (A), to the surviving indi-
24 vidual (or individuals, in equal shares) des-
25 igned by the public safety officer to receive

1 benefits under the most recently executed life
2 insurance policy of the public safety officer on
3 file at the time of death with the public safety
4 agency, organization, or unit;

5 “(5) if there is no individual qualifying under
6 paragraph (1), (2), (3), or (4), to the surviving par-
7 ent (or parents, in equal shares) of the public safety
8 officer; or

9 “(6) if there is no individual qualifying under
10 paragraph (1), (2), (3), (4), or (5), to the surviving
11 individual (or individuals, in equal shares) who
12 would qualify under the definition of the term ‘child’
13 under section 1204 but for age.”;

14 (ii) in subsection (b)—

15 (I) by striking “direct result of a
16 catastrophic” and inserting “direct
17 and proximate result of a personal”;

18 (II) by striking “pay,” and all
19 that follows through “the same” and
20 inserting “pay the same”;

21 (III) by striking “in any year”
22 and inserting “to the public safety of-
23 ficer (if living on the date on which
24 the determination is made)”;

1 (IV) by striking “in such year,
2 adjusted” and inserting “with respect
3 to the date on which the catastrophic
4 injury occurred, as adjusted”;

5 (V) by striking “, to such offi-
6 cer”;

7 (VI) by striking “the total” and
8 all that follows through “For” and in-
9 sserting “for”; and

10 (VII) by striking “That these”
11 and all that follows through the pe-
12 riod, and inserting “That the amount
13 payable under this subsection shall be
14 the amount payable as of the date of
15 catastrophic injury of such public
16 safety officer.”;

17 (iii) in subsection (f)—

18 (I) in paragraph (1), by striking
19 “, as amended (D.C. Code, sec. 4-
20 622); or” and inserting a semicolon;

21 (II) in paragraph (2)—

22 (aa) by striking “. Such
23 beneficiaries shall only receive
24 benefits under such section 8191
25 that” and inserting “, such that

1 beneficiaries shall receive only
2 such benefits under such section
3 8191 as”; and

4 (bb) by striking the period
5 at the end and inserting “; or”;
6 and

7 (III) by adding at the end the
8 following:

9 “(3) payments under the September 11th Vic-
10 tim Compensation Fund of 2001 (49 U.S.C. 40101
11 note; Public Law 107–42).”;

12 (iv) by amending subsection (k) to
13 read as follows:

14 “(k) As determined by the Bureau, a heart attack,
15 stroke, or vascular rupture suffered by a public safety offi-
16 cer shall be presumed to constitute a personal injury with-
17 in the meaning of subsection (a), sustained in the line of
18 duty by the officer and directly and proximately resulting
19 in death, if—

20 “(1) the public safety officer, while on duty—

21 “(A) engages in a situation involving non-
22 routine stressful or strenuous physical law en-
23 forcement, fire suppression, rescue, hazardous
24 material response, emergency medical services,

1 “(n) The public safety agency, organization, or unit
2 responsible for maintaining on file an executed designation
3 of beneficiary or executed life insurance policy for pur-
4 poses of subsection (a)(4) shall maintain the confiden-
5 tiality of the designation or policy in the same manner
6 as the agency, organization, or unit maintains personnel
7 or other similar records of the public safety officer.”;

8 (C) in section 1202 (42 U.S.C. 3796a)—

9 (i) by striking “death”, each place it
10 appears except the second place it appears,
11 and inserting “fatal”; and

12 (ii) in paragraph (1), by striking “or
13 catastrophic injury” the second place it ap-
14 pears and inserting “, disability, or in-
15 jury”;

16 (D) in section 1203 (42 U.S.C. 3796a-
17 1)—

18 (i) in the section heading, by striking
19 “WHO HAVE DIED IN THE LINE OF DUTY”
20 and inserting “WHO HAVE SUSTAINED
21 FATAL OR CATASTROPHIC INJURY IN THE
22 LINE OF DUTY”; and

23 (ii) by striking “who have died in the
24 line of duty” and inserting “who have sus-

1 tained fatal or catastrophic injury in the
2 line of duty”;

3 (E) in section 1204 (42 U.S.C. 3796b)—

4 (i) in paragraph (1), by striking “con-

5 sequences of an injury that” and inserting

6 “an injury, the direct and proximate con-

7 sequences of which”;

8 (ii) in paragraph (3)—

9 (I) in the matter preceding clause

10 (i)—

11 (aa) by inserting “or perma-

12 nently and totally disabled” after

13 “deceased”; and

14 (bb) by striking “death” and

15 inserting “fatal or catastrophic

16 injury”; and

17 (II) by redesignating clauses (i),

18 (ii), and (iii) as subparagraphs (A),

19 (B), and (C), respectively;

20 (iii) in paragraph (5)—

21 (I) by striking “post-mortem”

22 each place it appears and inserting

23 “post-injury”;

1 (II) by redesignating clauses (i)
2 and (ii) as subparagraphs (A) and
3 (B), respectively; and

4 (III) in subparagraph (B), as so
5 redesignated, by striking “death” and
6 inserting “fatal or catastrophic in-
7 jury”;

8 (iv) in paragraph (7), by striking
9 “public employee member of a rescue
10 squad or ambulance crew;” and inserting
11 “employee or volunteer member of a rescue
12 squad or ambulance crew (including a
13 ground or air ambulance service) that—

14 “(A) is a public agency; or

15 “(B) is (or is a part of) a nonprofit entity
16 serving the public that—

17 “(i) is officially authorized or licensed
18 to engage in rescue activity or to provide
19 emergency medical services; and

20 “(ii) engages in rescue activities or
21 provides emergency medical services as
22 part of an official emergency response sys-
23 tem;”; and

24 (v) in paragraph (9)—

1 (I) in subparagraph (A), by strik-
2 ing “as a chaplain, or as a member of
3 a rescue squad or ambulance crew;”
4 and inserting “or as a chaplain;”;

5 (II) in subparagraph (B)(ii), by
6 striking “or” after the semicolon;

7 (III) in subparagraph (C)(ii), by
8 striking the period and inserting “;
9 or”; and

10 (IV) by adding at the end the fol-
11 lowing:

12 “(D) a member of a rescue squad or am-
13 bulance crew who, as authorized or licensed by
14 law and by the applicable agency or entity, is
15 engaging in rescue activity or in the provision
16 of emergency medical services.”;

17 (F) in section 1205 (42 U.S.C. 3796e), by
18 adding at the end the following:

19 “(d) Unless expressly provided otherwise, any ref-
20 erence in this part to any provision of law not in this part
21 shall be understood to constitute a general reference under
22 the doctrine of incorporation by reference, and thus to in-
23 clude any subsequent amendments to the provision.”;

24 (G) in each of subsections (a) and (b) of
25 section 1212 (42 U.S.C. 3796d–1), sections

1 1213 and 1214 (42 U.S.C. 3796d–2 and
2 3796d–3), and subsections (b) and (c) of sec-
3 tion 1216 (42 U.S.C. 3796d–5), by striking
4 “dependent” each place it appears and inserting
5 “person”;

6 (H) in section 1212 (42 U.S.C. 3796d–
7 1)—

8 (i) in subsection (a)—

9 (I) in paragraph (1), in the mat-
10 ter preceding subparagraph (A), by
11 striking “Subject” and all that follows
12 through “, the” and inserting “The”;
13 and

14 (II) in paragraph (3), by striking
15 “reduced by” and all that follows
16 through “(B) the amount” and insert-
17 ing “reduced by the amount”;

18 (ii) in subsection (c)—

19 (I) in the subsection heading, by
20 striking “DEPENDENT”; and

21 (II) by striking “dependent”;

22 (I) in paragraphs (2) and (3) of section
23 1213(b) (42 U.S.C. 3796d–2(b)), by striking
24 “dependent’s” each place it appears and insert-
25 ing “person’s”;

1 (J) in section 1216 (42 U.S.C. 3796d–
2 5)—

3 (i) in subsection (a), by striking “each
4 dependent” each place it appears and in-
5 serting “a spouse or child”; and

6 (ii) by striking “dependents” each
7 place it appears and inserting “a person”;
8 and

9 (K) in section 1217(3)(A) (42 U.S.C.
10 3796d–6(3)(A)), by striking “described in” and
11 all that follows and inserting “an institution of
12 higher education, as defined in section 102 of
13 the Higher Education Act of 1965 (20 U.S.C.
14 1002); and”.

15 (2) AMENDMENT RELATED TO EXPEDITED PAY-
16 MENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN
17 THE PREVENTION, INVESTIGATION, RESCUE, OR RE-
18 COVERY EFFORTS RELATED TO A TERRORIST AT-
19 TACK.—Section 611(a) of the Uniting and Strength-
20 ening America by Providing Appropriate Tools Re-
21 quired to Intercept and Obstruct Terrorism Act of
22 2001 (42 U.S.C. 3796c–1(a)) is amended by insert-
23 ing “or an entity described in section 1204(7)(B) of
24 the Omnibus Crime Control and Safe Streets Act of

1 1968 (42 U.S.C. 3796b(7)(B))” after “employed by
2 such agency”.

3 (3) CONFORMING AMENDMENTS.—The Internal
4 Revenue Code of 1986 is amended—

5 (A) in section 402(l)(4)(C), by inserting
6 before the period at the end the following: “, as
7 in effect immediately before the enactment of
8 the National Defense Authorization Act for Fis-
9 cal Year 2013”; and

10 (B) in section 101(h)(1), by inserting after
11 “1968” the following: “, as in effect imme-
12 diately before the enactment of the National
13 Defense Authorization Act for Fiscal Year
14 2013”.

15 (c) AUTHORIZATION OF APPROPRIATIONS; DETER-
16 MINATIONS; APPEALS.—The matter under the heading
17 “PUBLIC SAFETY OFFICERS BENEFITS” under the heading
18 “OFFICE OF JUSTICE PROGRAMS” under title II of divi-
19 sion B of the Consolidated Appropriations Act, 2008
20 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–
21 2) is amended—

22 (1) by striking “decisions” and inserting “de-
23 terminations”;

24 (2) by striking “(including those, and any re-
25 lated matters, pending)”; and

1 (3) by striking the period at the end and insert-
2 ing the following: “: *Provided further*, That, on and
3 after the date of enactment of the Dale Long Public
4 Safety Officers’ Benefits Improvements Act of 2012,
5 as to each such statute—

6 “(1) the provisions of section 1001(a)(4) of
7 such title I (42 U.S.C. 3793(a)(4)) shall apply;

8 “(2) payment (consistent with section 611 of
9 the Uniting and Strengthening America By Pro-
10 viding Appropriate Tools Required to Intercept and
11 Obstruct Terrorism Act of 2001 (42 U.S.C. 3796e-
12 1)) shall be made only upon a determination by the
13 Bureau that the facts legally warrant the payment;
14 and

15 “(3) any reference to section 1202 of such title
16 I shall be deemed to be a reference to paragraphs
17 (2) and (3) of such section 1202:

18 *Provided further*, That, on and after the date of enactment
19 of the Dale Long Public Safety Officers’ Benefits Im-
20 provements Act of 2012, no appeal shall bring any final
21 determination of the Bureau before any court for review
22 unless notice of appeal is filed (within the time specified
23 herein and in the manner prescribed for appeal to United
24 States courts of appeals from United States district
25 courts) not later than 90 days after the date on which

1 the Bureau serves notice of the final determination: *Pro-*
2 *vided further*, That any regulations promulgated by the
3 Bureau under such part (or any such statute) before, on,
4 or after the date of enactment of the Dale Long Public
5 Safety Officers' Benefits Improvements Act of 2012 shall
6 apply to any matter pending on, or filed or accruing after,
7 the effective date specified in the regulations.”.

8 (d) EFFECTIVE DATE.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (1), the amendments made by this section
11 shall—

12 (A) take effect on the date of enactment of
13 this Act; and

14 (B) apply to any matter pending, before
15 the Bureau of Justice Assistance or otherwise,
16 on the date of enactment of this Act, or filed
17 or accruing after that date.

18 (2) EXCEPTIONS.—

19 (A) RESCUE SQUADS AND AMBULANCE
20 CREWS.—For a member of a rescue squad or
21 ambulance crew (as defined in section 1204(7)
22 of title I of the Omnibus Crime Control and
23 Safe Streets Act of 1968, as amended by this
24 section), the amendments made by this Act

1 shall apply to injuries sustained on or after
2 June 1, 2009.

3 (B) HEART ATTACKS, STROKES, AND VAS-
4 CULAR RUPTURES.—Section 1201(k) of title I
5 of the Omnibus Crime Control and Safe Streets
6 Act of 1968, as amended by this section, shall
7 apply to heart attacks, strokes, and vascular
8 ruptures sustained on or after December 15,
9 2003.

10 **SEC. 1087. REMOVAL OF ACTION.**

11 Section 1442 of title 28, United States Code, is
12 amended by striking subsection (c) and inserting the fol-
13 lowing:

14 “(c) Solely for purposes of determining the propriety
15 of removal under subsection (a), a law enforcement officer,
16 who is the defendant in a criminal prosecution, shall be
17 deemed to have been acting under the color of his office
18 if the officer—

19 “(1) protected an individual in the presence of
20 the officer from a crime of violence;

21 “(2) provided immediate assistance to an indi-
22 vidual who suffered, or who was threatened with,
23 bodily harm; or

24 “(3) prevented the escape of any individual who
25 the officer reasonably believed to have committed, or

1 was about to commit, in the presence of the officer,
2 a crime of violence that resulted in, or was likely to
3 result in, death or serious bodily injury.

4 “(d) In this section, the following definitions apply:

5 “(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in
6 such proceeding a judicial order, including a subpoena for testimony or documents, is sought or
7 issued. If removal is sought for a proceeding described in the previous sentence, and there is no
8 other basis for removal, only that proceeding may be
9 removed to the district court.
10
11
12
13

14 “(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

16 “(3) The term ‘law enforcement officer’ means
17 any employee described in subparagraph (A), (B), or
18 (C) of section 8401(17) of title 5 and any special
19 agent in the Diplomatic Security Service of the Department of State.
20

21 “(4) The term ‘serious bodily injury’ has the
22 meaning given that term in section 1365 of title 18.

23 “(5) The term ‘State’ includes the District of
24 Columbia, United States territories and insular pos-

1 sessions, and Indian country (as defined in section
2 1151 of title 18).

3 “(6) The term ‘State court’ includes the Supe-
4 rior Court of the District of Columbia, a court of a
5 United States territory or insular possession, and a
6 tribal court.”.

7 **SEC. 1088. TRANSPORT FOR FEMALE GENITAL MUTILA-**
8 **TION.**

9 Section 116 of title 18, United States Code, is
10 amended by adding at the end the following:

11 “(d) Whoever knowingly transports from the United
12 States and its territories a person in foreign commerce for
13 the purpose of conduct with regard to that person that
14 would be a violation of subsection (a) if the conduct oc-
15 curred within the United States, or attempts to do so,
16 shall be fined under this title or imprisoned not more than
17 5 years, or both.”.

18 **SEC. 1089. AMENDMENTS TO LAW ENFORCEMENT OFFICER**
19 **SAFETY PROVISIONS OF TITLE 18.**

20 Chapter 44 of title 18, United States Code, is amend-
21 ed—

22 (1) in section 926B—

23 (A) in subsection (c)(1), by inserting “or
24 apprehension under section 807(b) of title 10,

1 United States Code (article 7(b) of the Uniform
2 Code of Military Justice)” after “arrest”;

3 (B) in subsection (d), by striking “as a law
4 enforcement officer” and inserting “that identi-
5 fies the employee as a police officer or law en-
6 forcement officer of the agency”; and

7 (C) in subsection (f), by inserting “or ap-
8 prehension under section 807(b) of title 10,
9 United States Code (article 7(b) of the Uniform
10 Code of Military Justice)” after “arrest”; and
11 (2) in section 926C—

12 (A) in subsection (c)(2), by inserting “or
13 apprehension under section 807(b) of title 10,
14 United States Code (article 7(b) of the Uniform
15 Code of Military Justice)” after “arrest”; and

16 (B) in subsection (d)—

17 (i) in paragraph (1), by striking “that
18 indicates” and inserting “that identifies
19 the person as having been employed as a
20 police officer or law enforcement officer
21 and indicates”; and

22 (ii) in paragraph (2)(A), by inserting
23 “that identifies the person as having been
24 employed as a police officer or law enforce-
25 ment officer” after “officer”.

1 **SEC. 1090. REAUTHORIZATION OF SALE OF AIRCRAFT AND**
2 **PARTS FOR WILDFIRE SUPPRESSION PUR-**
3 **POSES.**

4 Section 2 of the Wildfire Suppression Aircraft Trans-
5 fer Act of 1996 (10 U.S.C. 2576 note) is amended—

6 (1) in subsection (a), by striking “during the
7 period beginning on October 1, 1996, and ending on
8 September 30, 2005” and inserting “during a period
9 specified in subsection (g)”;

10 (2) by redesignating subsection (g) as sub-
11 section (h); and

12 (3) by inserting after subsection (f) the fol-
13 lowing new subsection (g):

14 “(g) PERIODS FOR EXERCISE OF AUTHORITY.—The
15 periods specified in this subsection are the following:

16 “(1) The period beginning on October 1, 1996,
17 and ending on September 30, 2005.

18 “(2) The period beginning on October 1, 2012,
19 and ending on September 30, 2017.”.

20 **SEC. 1091. TRANSFER OF EXCESS AIRCRAFT TO OTHER DE-**
21 **PARTMENTS OF THE FEDERAL GOVERN-**
22 **MENT.**

23 (a) TRANSFER.—The Secretary of Defense may
24 transfer excess aircraft specified in subsection (b) to the
25 Secretary of Agriculture and the Secretary of Homeland
26 Security for use by the Forest Service and the United

1 States Coast Guard. The transfer of any excess aircraft
2 under this subsection shall be without reimbursement.

3 (b) AIRCRAFT.—The aircraft transferred under sub-
4 section (a) are aircraft of the Department of Defense that
5 are—

6 (1) identified by the Forest Service or the
7 United States Coast Guard as a suitable platform to
8 carry out their respective missions;

9 (2) excess to the needs of the Department of
10 Defense, as determined by the Secretary of Defense;

11 (3) in the case of aircraft to be transferred to
12 the Secretary of Agriculture, acceptable for use by
13 the Forest Service, as determined by the Secretary
14 of Agriculture; and

15 (4) in the case of aircraft to be transferred to
16 the Secretary of Homeland Security, acceptable for
17 use by the United States Coast Guard, as deter-
18 mined by the Secretary of Homeland Security.

19 (c) LIMITATION ON NUMBER.—

20 (1) LIMITATION.—Except as provided in para-
21 graph (2), the number of aircraft that may be trans-
22 ferred under subsection (a) to each of the Secretary
23 of Agriculture and the Secretary of Homeland Secu-
24 rity may not exceed seven aircraft for each agency.

1 (2) TERMINATION OF LIMITATION AFTER OFFI-
2 CIAL NOTICE OF INTENT TO ACCEPT OR DECLINE
3 SEVEN AIRCRAFT.—The limitation in paragraph (1)
4 on the number of aircraft transferrable under sub-
5 section (a) shall cease upon official notice to the
6 Secretary of Defense, from the Secretary of Agri-
7 culture, and the Secretary of Homeland Security
8 that the Secretary’s respective department will de-
9 cline or accept seven aircraft.

10 (d) ORDER OF TRANSFERS.—

11 (1) RIGHTS OF REFUSAL.—In implementing the
12 transfers authorized by subsection (a), the Secretary
13 of Defense shall afford the Secretary of Agriculture
14 the right of first refusal and the Secretary of Home-
15 land Security the second right of refusal in the
16 transfer to each department by the Secretary of De-
17 fense of up to seven excess aircraft specified in sub-
18 section (b) before the transfer of such excess aircraft
19 is offered to any other department or agency of the
20 Federal Government.

21 (2) EXPIRATION OF RIGHT OF FIRST RE-
22 FUSAL.—The right of first refusal afforded the Sec-
23 retary of Agriculture by paragraph (1) shall expire
24 upon official notice of the Secretary to the Secretary
25 of Defense under subsection (c)(2).

1 (e) CONDITIONS OF CERTAIN TRANSFERS.—Excess
2 aircraft transferred to the Secretary of Agriculture under
3 subsection (a)—

4 (1) may be used only for wildfire suppression
5 purposes; and

6 (2) may not be flown or otherwise removed
7 from the United States unless dispatched by the Na-
8 tional Interagency Fire Center in support of an
9 international agreement to assist in wildfire suppres-
10 sion efforts or for other purposes approved by the
11 Secretary of Agriculture in writing in advance.

12 (f) ADDITIONAL LIMITATION.—Excess aircraft trans-
13 ferred under subsection (a) may not be sold by the Sec-
14 retary of Agriculture or the Secretary of Homeland Secu-
15 rity after transfer.

16 (g) COSTS AFTER TRANSFER.—Any costs of oper-
17 ation, maintenance, sustainment, and disposal of excess
18 aircraft transferred under subsection (a) after the date of
19 transfer shall be borne by the Secretary of Agriculture and
20 the Secretary of Homeland Security, as applicable.

21 **TITLE XI—CIVILIAN PERSONNEL**

22 **MATTERS**

Sec. 1101. One-year extension of authority to waive annual limitation on pre-
mium pay and aggregate limitation on pay for Federal civilian
employees working overseas.

Sec. 1102. Expansion of experimental personnel program for scientific and
technical personnel at the Defense Advanced Research Projects
Agency.

- Sec. 1103. Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies.
- Sec. 1104. One-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
- Sec. 1105. Policy on senior mentors.
- Sec. 1106. Authority to pay for the transport of family household pets for Federal employees during certain evacuation operations.
- Sec. Interagency personnel rotations.

1 **SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
2 **ANNUAL LIMITATION ON PREMIUM PAY AND**
3 **AGGREGATE LIMITATION ON PAY FOR FED-**
4 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
5 **SEAS.**

6 Effective January 1, 2013, section 1101(a) of the
7 Duncan Hunter National Defense Authorization Act for
8 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615),
9 as most recently amended by section 1104 of the National
10 Defense Authorization Act for Fiscal Year 2012 (Public
11 Law 112–81; 125 Stat. 1612), is further amended by
12 striking “through 2012” and inserting “through 2013”.

13 **SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL**
14 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**
15 **PERSONNEL AT THE DEFENSE ADVANCED**
16 **RESEARCH PROJECTS AGENCY.**

17 (a) EXPANSION.—Section 1101(b)(1)(A) of the
18 Strom Thurmond National Defense Authorization Act for
19 Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by
20 striking “40” and inserting “60”.

1 (b) CONSTRUCTION.—The amendment made by sub-
2 section (a) shall not be construed as affecting any applica-
3 ble authorization or delimitation of the numbers of per-
4 sonnel that may be employed at the Defense Advanced Re-
5 search Projects Agency.

6 **SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE**
7 **CATEGORY POSITIONS FOR CERTAIN FED-**
8 **ERAL ACQUISITION POSITIONS FOR CIVILIAN**
9 **AGENCIES.**

10 Section 1703(j)(2) of title 41, United States Code,
11 is amended by striking “September 30, 2012” and insert-
12 ing “September 30, 2017”.

13 **SEC. 1104. ONE-YEAR EXTENSION OF DISCRETIONARY AU-**
14 **THORITY TO GRANT ALLOWANCES, BENE-**
15 **FITS, AND GRATUITIES TO PERSONNEL ON**
16 **OFFICIAL DUTY IN A COMBAT ZONE.**

17 Paragraph (2) of section 1603(a) of the Emergency
18 Supplemental Appropriations Act for Defense, the Global
19 War on Terror, and Hurricane Recovery, 2006 (Public
20 Law 109–234; 120 Stat. 443), as added by section 1102
21 of the Duncan Hunter National Defense Authorization
22 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
23 4616) and amended by section 1112 of the National De-
24 fense Authorization Act for Fiscal Year 2012 (Public Law

1 112–81; 125 Stat. 1616), is further amended by striking
2 “2013” and inserting “2014”.

3 **SEC. 1105. POLICY ON SENIOR MENTORS.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 provide written notice to the congressional defense com-
6 mittees at least 60 days before implementing any change
7 in the policy regarding senior mentors issued on or about
8 April 1, 2010.

9 (b) APPLICABILITY.—Changes implemented before
10 the date of the enactment of this Act shall not be affected
11 by this section.

12 **SEC. 1106. AUTHORITY TO PAY FOR THE TRANSPORT OF**
13 **FAMILY HOUSEHOLD PETS FOR FEDERAL EM-**
14 **PLOYEES DURING CERTAIN EVACUATION OP-**
15 **ERATIONS.**

16 Section 5725 of title 5, United States Code, is
17 amended—

18 (1) in subsection (a), in the matter following
19 paragraph (2), by striking “and personal effects,”
20 and inserting “, personal effects, and family house-
21 hold pets,”; and

22 (2) by adding at the end the following:

23 “(c)(1) The expenses authorized under subsection (a)
24 shall, with respect to the transport of family household

1 pets, include the expenses for the shipment of and the pay-
2 ment of any quarantine costs for such pets.

3 “(2) Any payment or reimbursement under this sec-
4 tion in connection with the transport of family household
5 pets shall be subject to terms and conditions which—

6 “(A) the head of the agency shall by regulation
7 prescribe; and

8 “(B) shall, to the extent practicable, be the
9 same as would apply under regulations prescribed
10 under section 476(b)(1)(H)(iii) of title 37 in connec-
11 tion with the transport of family household pets of
12 members of the uniformed services, including regula-
13 tions relating to the types, size, and number of pets
14 for which such payment or reimbursement may be
15 provided.”.

16 **SEC. 1107. INTERAGENCY PERSONNEL ROTATIONS.**

17 (a) FINDING AND PURPOSE.—

18 (1) FINDING.—Congress finds that the national
19 security and homeland security challenges of the
20 21st century require that executive branch personnel
21 use a whole-of-Government approach in order for the
22 United States Government to operate in the most ef-
23 fective and efficient manner.

24 (2) PURPOSE.—The purpose of this section is
25 to increase the efficiency and effectiveness of the

1 Government by fostering greater interagency experi-
2 ence among executive branch personnel on national
3 security and homeland security matters involving
4 more than 1 agency.

5 (b) COMMITTEE ON NATIONAL SECURITY PER-
6 SONNEL.—

7 (1) ESTABLISHMENT.—There is established a
8 Committee on National Security Personnel within
9 the Executive Office of the President.

10 (2) MEMBERSHIP.—The members of the Com-
11 mittee shall include—

12 (A) designees of the Director of the Office
13 of Management and Budget, the Director of the
14 Office of Personnel Management, the Assistant
15 to the President for National Security Affairs,
16 the Secretary of Defense, the Secretary of
17 State, and the Secretary of Homeland Security
18 (1 member to be designated by each); and

19 (B) such other members as the President
20 shall designate.

21 (c) PROGRAM ESTABLISHED.—

22 (1) Not later than 270 days after the date of
23 the enactment of this Act, the Committee on Na-
24 tional Security Personnel, in consultation with rep-
25 resentatives of such other agencies as the Committee

1 determines to be appropriate, shall develop and issue
2 a National Security Human Capital Strategy pro-
3 viding policies, processes, and procedures for a pro-
4 gram for the interagency rotation of personnel
5 among positions within National Security Inter-
6 agency Communities of Interest.

7 (2) The strategy required by paragraph (1)
8 shall, at a minimum—

9 (A) identify specific Interagency Commu-
10 nities of Interest for the purpose of carrying
11 out the program;

12 (B) designate agencies to be included or
13 excluded from the program;

14 (C) define categories of positions to be cov-
15 ered by the program;

16 (D) establish processes by which the heads
17 of relevant agencies may identify—

18 (i) positions in Interagency Commu-
19 nities of Interest that are available for ro-
20 tation under the program; and

21 (ii) individual employees who are
22 available to participate in rotational as-
23 signments under the program; and

24 (E) promulgate procedures for the pro-
25 gram, including—

1 (i) any minimum or maximum periods
2 of service for participation in the program;

3 (ii) any training and education re-
4 quirements associated with participation in
5 the program;

6 (iii) any prerequisites or requirements
7 for participation in the program; and

8 (iv) appropriate performance meas-
9 ures, reporting requirements, and other ac-
10 countability devices for the evaluation of
11 the program.

12 (d) PROGRAM REQUIREMENTS.—The policies, proc-
13 esses, and procedures established pursuant to subsection
14 (c) shall, at a minimum, provide that—

15 (1) during each of the first 4 fiscal years after
16 the fiscal year in which this Act is enacted—

17 (A) the interagency rotation program shall
18 be carried out in at least 2 Interagency Com-
19 munities of Interest, of which 1 shall be an
20 Interagency Community of Interest for emer-
21 gency management and 1 shall be an Inter-
22 agency Community of Interest for stabilization
23 and reconstruction; and

24 (B) not fewer than 20 employees in the ex-
25 ecutive branch of the Government shall be as-

1 signed to participate in the interagency per-
2 sonnel rotation program;

3 (2) an employee's participation in the inter-
4 agency rotation program shall require the consent of
5 the head of the agency and shall be voluntary on the
6 part of the employee;

7 (3) employees selected to perform interagency
8 rotational service are selected in a fully open and
9 competitive manner that is consistent with the merit
10 system principles set forth in paragraphs (1) and (2)
11 of section 2301(b) of title 5, United States Code,
12 unless the Interagency Community of Interest posi-
13 tion is otherwise exempt under another provision of
14 law;

15 (4) an employee performing service in a position
16 in another agency pursuant to the program estab-
17 lished under this section shall be entitled to return,
18 within a reasonable period of time after the end of
19 the period of service, to the position held by the em-
20 ployee, or a corresponding or higher position, in his
21 or her employing agency;

22 (5) an employee performing interagency rota-
23 tional service shall have all the rights that would be
24 available to the employee if the employee were de-
25 tailed or assigned under a provision of law other

1 than this section from the agency employing the em-
2 ployee to the agency in which the position in which
3 the employee is serving is located; and

4 (6) an employee participating in the program
5 shall receive performance evaluations from officials
6 in his or her employing agency that are based on
7 input from the supervisors of the employee during
8 his or her service in the program that are based pri-
9 marily on the contribution of the employee to the
10 work of the agency in which the employee performed
11 such service, and these performance evaluations shall
12 be provided the same weight in the receipt of pro-
13 motions and other rewards by the employee from the
14 employing agency as performance evaluations for
15 service in the employing agency.

16 (e) SELECTION OF INDIVIDUALS TO FILL SENIOR
17 POSITIONS.—The head of each agency participating in the
18 program established pursuant to subsection (c) shall en-
19 sure that, in selecting individuals to fill senior positions
20 within an Interagency Community of Interest, the agency
21 gives a strong preference to individuals who have per-
22 formed interagency rotational service within the Inter-
23 agency Community of Interest pursuant to such program.

24 (f) INTERAGENCY COMMUNITY OF INTEREST DE-
25 FINED.—As used in this section, the term “National Secu-

1 rity Interagency Community of Interest” or “Interagency
2 Community of Interest” means the positions in the execu-
3 tive branch of the Government that, as determined by the
4 Committee on National Security Personnel—

5 (1) as a group are positions within multiple
6 agencies of the executive branch of the Government;
7 and

8 (2) have significant responsibility for the same
9 substantive, functional, or regional subject area re-
10 lated to national security or homeland security that
11 requires integration of the positions and activities in
12 that area across multiple agencies to ensure that the
13 executive branch of the Government operates as a
14 single, cohesive enterprise to maximize mission suc-
15 cess and minimize cost.

16 (g) REPORT ON PERFORMANCE MEASURES.—Not
17 later than the end of the 2nd fiscal year after the fiscal
18 year in which this Act is enacted, the Committee on Na-
19 tional Security Personnel shall assess the performance
20 measures described in subsection (c)(2)(E)(iv) and issue
21 a report to Congress on the assessment of those perform-
22 ance measures.

23 (h) GAO REVIEW.—Not later than the end of the 2nd
24 fiscal year after the fiscal year in which this Act is en-
25 acted, the Comptroller General of the United States shall

1 submit to Congress a report assessing the implementation
2 and effectiveness of the interagency rotation program es-
3 tablished pursuant to this section. The report required by
4 this section shall address, at a minimum—

5 (1) the extent to which the requirements of this
6 section have been implemented by the Committee on
7 National Security Personnel and by national security
8 agencies;

9 (2) the extent to which national security agen-
10 cies have participated in the program established
11 pursuant to this section, including whether the
12 heads of such agencies have—

13 (A) identified positions within the agencies
14 that are National Security Interagency Commu-
15 nities of Interest and had employees from other
16 agencies serve in rotational assignments in such
17 positions; and

18 (B) identified employees who are eligible
19 for rotational assignments in National Security
20 Interagency Communities of Interest and had
21 such employees serve in rotational assignments
22 in other agencies;

23 (3) the extent to which employees serving in ro-
24 tational assignments under the program established

1 pursuant to this section have benefitted from such
2 assignments, including an assessment of—

3 (A) the period of service;

4 (B) the duties performed by the employees
5 during such service;

6 (C) the value of the training and experi-
7 ence gained by participating employees through
8 such service; and

9 (D) the positions (including grade level)
10 held by employees before and after completing
11 interagency rotational service under this sec-
12 tion; and

13 (4) the extent to which interagency rotational
14 service under this section has improved or is ex-
15 pected to improve interagency integration and co-
16 ordination within National Security Interagency
17 Communities of Interest.

18 (i) EXCLUSION.—This section shall not apply to any
19 element of the intelligence community, as defined in sec-
20 tion 3(4) of the National Security Act of 1947 (50 U.S.C.
21 401a(4)).

22 **TITLE XII—MATTERS RELATING** 23 **TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

Sec. 1201. Modification and extension of authorities relating to program to
build the capacity of foreign military forces.

- Sec. 1202. Extension of authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.
- Sec. 1203. Authority to build the capacity of certain counterterrorism forces in Yemen and East Africa.
- Sec. 1204. Limitation on activities under State Partnership Program pending compliance with certain program-related requirements.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

- Sec. 1211. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1212. Report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan.
- Sec. 1213. United States military support in Afghanistan.
- Sec. 1214. Modification of report on progress toward security and stability in Afghanistan.
- Sec. 1215. Independent assessment of the Afghan National Security Forces.
- Sec. 1216. Extension and modification of logistical support for coalition forces supporting certain United States military operations.
- Sec. 1217. Report on Afghanistan Peace and Reintegration Program.
- Sec. 1218. One-year extension of authority to use funds for reintegration activities in Afghanistan.
- Sec. 1219. One-year extension and modification of authority for program to develop and carry out infrastructure projects in Afghanistan.
- Sec. 1220. Report on updates and modifications to campaign plan for Afghanistan.
- Sec. 1221. Commanders' Emergency Response Program in Afghanistan.
- Sec. 1222. Authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
- Sec. 1223. Report on efforts to promote the security of Afghan women and girls during the security transition process.
- Sec. 1224. Sense of Congress commending the Enduring Strategic Partnership Agreement between the United States and Afghanistan.
- Sec. 1225. Consultations with Congress on a bilateral security agreement with Afghanistan.
- Sec. 1226. Completion of transition of United States combat and military and security operations to the Government of Afghanistan.
- Sec. 1227. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1228. Extension and modification of Pakistan Counterinsurgency Fund.

Subtitle C—Matters Relating to Iran

- Sec. 1231. Report on United States capabilities in relation to China, North Korea, and Iran.
- Sec. 1232. Report on military capabilities of Gulf Cooperation Council members.
- Sec. 1233. Sense of Congress with respect to Iran.
- Sec. 1234. Rule of construction.

Subtitle D—Iran Sanctions

- Sec. 1241. Short title.
- Sec. 1242. Definitions.
- Sec. 1243. Sense of Congress relating to violations of human rights by Iran.

- Sec. 1244. Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran.
- Sec. 1245. Imposition of sanctions with respect to the sale, supply, or transfer of certain materials to or from Iran.
- Sec. 1246. Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities or persons with respect to which sanctions have been imposed.
- Sec. 1247. Imposition of sanctions with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals.
- Sec. 1248. Impositions of sanctions with respect to the Islamic Republic of Iran Broadcasting.
- Sec. 1249. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.
- Sec. 1250. Waiver requirement related to exceptional circumstances preventing significant reductions in crude oil purchases.
- Sec. 1251. Statute of limitations for civil actions regarding terrorist acts.
- Sec. 1252. Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers.
- Sec. 1253. Implementation; penalties.
- Sec. 1254. Applicability to certain natural gas projects.
- Sec. 1255. Rule of construction.

Subtitle E—Satellites and Related Items

- Sec. 1261. Removal of satellites and related items from the United States Munitions List.
- Sec. 1262. Report on licenses and other authorizations to export certain satellites and related items.
- Sec. 1263. Report on country exemptions for licensing of exports of certain satellites and related items.
- Sec. 1264. End-use monitoring of certain satellites and related items.
- Sec. 1265. Interagency review of modifications to Category XV of the United States Munitions List.
- Sec. 1266. Rules of construction.
- Sec. 1267. Definitions.

Subtitle F—Other Matters

- Sec. 1271. Additional elements in annual report on military and security developments involving the People's Republic of China.
- Sec. 1272. NATO Special Operations Headquarters.
- Sec. 1273. Sustainability requirements for certain capital projects in connection with overseas contingency operations.
- Sec. 1274. Administration of the American, British, Canadian, and Australian Armies' Program.
- Sec. 1275. United States participation in Headquarters Eurocorps.
- Sec. 1276. Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services.
- Sec. 1277. Prohibition on use of funds to enter into contracts or agreements with Rosoboronexport.
- Sec. 1278. Sense of Congress on Iron Dome short-range rocket defense system.
- Sec. 1279. Bilateral defense trade relationship with India.
- Sec. 1280. United States Advisory Commission on Public Diplomacy.
- Sec. 1281. Sense of Congress on sale of aircraft to Taiwan.

- Sec. 1282. Briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense systems, and long-range conventional strike systems.
- Sec. 1283. Sense of Congress on efforts to remove or apprehend Joseph Kony from the battlefield and end the atrocities of the Lord's Resistance Army.
- Sec. 1284. Imposition of sanctions with respect to support for the rebel group known as M23.
- Sec. 1285. Pilot program on repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities.
- Sec. 1286. Sense of Congress on the situation in the Senkaku Islands.

Subtitle G—Reports

- Sec. 1291. Review and reports on Department of Defense efforts to build the capacity of and partner with foreign security forces.
- Sec. 1292. Additional report on military and security developments involving the Democratic People's Republic of Korea.
- Sec. 1293. Report on host nation support for overseas United States military installations and United States Armed Forces deployed in country.
- Sec. 1294. Report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria.
- Sec. 1295. Report on military assistance provided by Russia to Syria.

1 **Subtitle A—Assistance and** 2 **Training**

3 **SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORI-** 4 **TIES RELATING TO PROGRAM TO BUILD THE** 5 **CAPACITY OF FOREIGN MILITARY FORCES.**

6 (a) INCLUSION OF SMALL-SCALE MILITARY CON-
7 STRUCTION ACTIVITIES AMONG AUTHORIZED ELE-
8 MENTS.—

9 (1) IN GENERAL.—Subsection (b)(1) of section
10 1206 of the National Defense Authorization Act for
11 Fiscal Year 2006 (Public Law 109–163; 119 Stat.
12 3457), as amended by section 1206(a) of the John
13 Warner National Defense Authorization Act for Fis-
14 cal Year 2007 (Public Law 109–364; 120 Stat.

1 2418), is further amended by striking “equipment,
2 supplies, and training” and inserting “equipment,
3 supplies, training, and small-scale military construc-
4 tion activities”.

5 (2) LIMITATION ON AVAILABILITY OF FUNDS.—
6 Subsection (c) of section 1206 of the National De-
7 fense Authorization Act for Fiscal Year 2006, as
8 most recently amended by section 1204(a) of the
9 National Defense Authorization Act for Fiscal Year
10 2012 (Public Law 112–81; 125 Stat. 1621), is fur-
11 ther amended by adding at the end the following
12 new paragraph:

13 “(6) LIMITATION ON AVAILABILITY OF FUNDS
14 FOR SMALL-SCALE MILITARY CONSTRUCTION ACTIVI-
15 TIES.—Of amounts available under this subsection
16 for the authority in subsection (a) for a fiscal year—

17 “(A) not more than \$750,000 may be obli-
18 gated or expended for small-scale military con-
19 struction activities under a program authorized
20 under subsection (a); and

21 “(B) not more than \$25,000,000 may be
22 obligated or expended for small-scale military
23 construction activities under all programs au-
24 thorized under subsection (a).”.

1 (b) MODIFICATION OF NOTICE.—Subsection (e)(2) of
2 section 1206 of the National Defense Authorization Act
3 for Fiscal Year 2006, as amended by section 1206(a) of
4 the John Warner National Defense Authorization Act for
5 Fiscal Year 2007, is further amended by adding at the
6 end the following new subparagraph:

7 “(D) Detailed information (including the
8 amount and purpose) on the assistance pro-
9 vided the country during the three preceding
10 fiscal years under each of the following pro-
11 grams, accounts, or activities:

12 “(i) A program under this section.

13 “(ii) The Foreign Military Financing
14 program under the Arms Export Control
15 Act.

16 “(iii) Peacekeeping Operations.

17 “(iv) The International Narcotics
18 Control and Law Enforcement (INCLE)
19 program under section 481 of the Foreign
20 Assistance Act of 1961 (22 U.S.C. 2291).

21 “(v) Nonproliferation, Anti-Terrorism,
22 Demining, and Related Programs
23 (NADR).

24 “(vi) Counterdrug activities author-
25 ized by section 1004 of the National De-

1 fense Authorization Act for Fiscal Year
2 1991 (10 U.S.C. 374 note) and section
3 1033 of the National Defense Authoriza-
4 tion Act for Fiscal Year 1998.”.

5 (c) EXTENSION.—

6 (1) IN GENERAL.—Subsection (g) of section
7 1206 of the National Defense Authorization Act for
8 Fiscal Year 2006, as most recently amended by sec-
9 tion 1204(c) of the National Defense Authorization
10 Act for Fiscal Year 2012 (125 Stat. 1622), is fur-
11 ther amended—

12 (A) by striking “September 30, 2013” and
13 inserting “September 30, 2014”; and

14 (B) by striking “fiscal years 2006 through
15 2013” and inserting “fiscal years 2006 through
16 2014”.

17 (2) TEMPORARY LIMITATION ON AMOUNT FOR
18 CAPACITY FOR PARTICIPATION IN OR SUPPORT OF
19 MILITARY AND STABILITY OPERATIONS.—Subsection
20 (c)(5) of section 1206 of the National Defense Au-
21 thorization Act for Fiscal Year 2006, as most re-
22 cently amended by section 1204(a) of the National
23 Defense Authorization Act for Fiscal Year 2012, is
24 further amended by striking “fiscal years 2102 and

1 duct counterterrorism operations against al Qaeda in
2 the Arabian Peninsula and its affiliates.

3 (2) To enhance the capacity of the national
4 military forces, security agencies serving a similar
5 defense function, other counterterrorism forces, and
6 border security forces of Djibouti, Ethiopia, and
7 Kenya to conduct counterterrorism operations
8 against al Qaeda, al Qaeda affiliates, and al
9 Shabaab.

10 (3) To enhance the capacity of national military
11 forces participating in the African Union Mission in
12 Somalia to conduct counterterrorism operations
13 against al Qaeda, al Qaeda affiliates, and al
14 Shabaab.

15 (b) TYPES OF ASSISTANCE.—

16 (1) AUTHORIZED ELEMENTS.—Assistance
17 under subsection (a) may include the provision of
18 equipment, supplies, training, and minor military
19 construction.

20 (2) REQUIRED ELEMENTS.—Assistance under
21 subsection (a) shall be provided in a manner that
22 promotes—

23 (A) observance of and respect for human
24 rights and fundamental freedoms; and

1 (B) respect for legitimate civilian authority
2 in the country receiving such assistance.

3 (3) ASSISTANCE OTHERWISE PROHIBITED BY
4 LAW.—The Secretary of Defense may not use the
5 authority in subsection (a) to provide any type of as-
6 sistance described in this subsection that is other-
7 wise prohibited by any other provision of law.

8 (4) LIMITATIONS ON MINOR MILITARY CON-
9 STRUCTION.—The total amount that may be obli-
10 gated and expended on minor military construction
11 under subsection (a) in any fiscal year may not ex-
12 ceed amounts as follows:

13 (A) In the case of minor military construc-
14 tion under paragraph (1) of subsection (a),
15 \$10,000,000.

16 (B) In the case of minor military construc-
17 tion under paragraphs (2) and (3) of subsection
18 (a), \$10,000,000.

19 (c) FUNDING.—

20 (1) IN GENERAL.—Of the amount authorized to
21 be appropriated for a fiscal year for the Department
22 of Defense for operation and maintenance—

23 (A) not more than \$75,000,000 may be
24 used to provide assistance under paragraph (1)
25 of subsection (a); and

1 (B) not more than \$75,000,000 may used
2 to provide assistance under paragraphs (2) and
3 (3) of subsection (a).

4 (2) AVAILABILITY OF FUNDS FOR ASSISTANCE
5 ACROSS FISCAL YEARS.—Amounts available under
6 this subsection for the authority in subsection (a)
7 for a fiscal year may be used for assistance under
8 that authority that begins in such fiscal year but
9 ends in the next fiscal year.

10 (d) NOTICE TO CONGRESS.—

11 (1) IN GENERAL.—Not later than 30 days be-
12 fore providing assistance under subsection (a), the
13 Secretary of Defense shall submit to the committees
14 of Congress specified in paragraph (2) a notice set-
15 ting forth the assistance to be provided, including
16 the types of such assistance, the budget for such as-
17 sistance, and the completion date for the provision
18 of such assistance.

19 (2) COMMITTEES OF CONGRESS.—The commit-
20 tees of Congress specified in this paragraph are—

21 (A) the Committee on Armed Services, the
22 Committee on Foreign Relations, and the Com-
23 mittee on Appropriations of the Senate; and

24 (B) the Committee on Armed Services, the
25 Committee on Foreign Affairs, and the Com-

1 mittee on Appropriations of the House of Rep-
2 resentatives.

3 (e) EXPIRATION.—Except as provided in subsection
4 (c)(2), the authority provided under subsection (a) may
5 not be exercised after the earlier of—

6 (1) the date on which the Global Security Con-
7 tingency Fund achieves full operational capability; or

8 (2) September 30, 2014.

9 **SEC. 1204. LIMITATION ON ACTIVITIES UNDER STATE PART-**
10 **nership Program Pending Compliance**
11 **With Certain Program-Related Re-**
12 **quirements.**

13 (a) LIMITATION.—If both requirements specified in
14 subsection (b) are not met as of February 28, 2013, no
15 activities may be carried out under the State Partnership
16 Program after that date until both requirements are met.

17 (b) REQUIREMENTS.—The requirements specified in
18 this subsection are the following:

19 (1) The requirement for the Secretary of De-
20 fense to submit to the appropriate congressional
21 committees the final regulations required by sub-
22 section (a) of section 1210 of the National Defense
23 Authorization Act for Fiscal Year 2010 (Public Law
24 111–84; 123 Stat. 2517; 32 U.S.C. 107 note).

1 (2) A requirement for the Secretary of Defense
2 to certify to the appropriate congressional commit-
3 tees that appropriate modifications have been made,
4 and appropriate controls have been instituted, to en-
5 sure the compliance of the Program with section
6 1341 of title 31, United States Code (commonly re-
7 ferred to as the “Anti-Deficiency Act”), in the fu-
8 ture.

9 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” has the meaning given that term in
12 subsection (d) of section 1210 of the National Defense Au-
13 thorization Act for Fiscal Year 2010.

14 **Subtitle B—Matters Relating to**
15 **Iraq, Afghanistan, and Pakistan**

16 **SEC. 1211. AUTHORITY TO SUPPORT OPERATIONS AND AC-**
17 **TIVITIES OF THE OFFICE OF SECURITY CO-**
18 **OPERATION IN IRAQ.**

19 (a) LIMITATION ON AMOUNT.—Subsection (c) of sec-
20 tion 1215 of the National Defense Authorization Act for
21 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631)
22 is amended by inserting at the end before the period the
23 following: “and in fiscal year 2013 may not exceed
24 \$508,000,000”.

1 (b) SOURCE OF FUNDS.—Subsection (d) of such sec-
2 tion is amended—

3 (1) by inserting “or fiscal year 2013” after
4 “fiscal year 2012”; and

5 (2) by striking “that fiscal year” and inserting
6 “fiscal year 2012 or 2013, as the case may be,”.

7 (c) ADDITIONAL AUTHORITY FOR THE ACTIVITIES
8 OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.—
9 Such section is further amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the fol-
13 lowing new subsection (f):

14 “(f) ADDITIONAL AUTHORITY FOR ACTIVITIES OF
15 OSCI.—During fiscal year 2013, the Secretary of De-
16 fense, with the concurrence of the Secretary of State, may
17 authorize the Office of Security Cooperation in Iraq to
18 conduct non-operational training activities in support of
19 Iraqi Ministry of Defense and Counter Terrorism Service
20 personnel in an institutional environment to address capa-
21 bility gaps, integrate processes relating to intelligence, air
22 sovereignty, combined arms, logistics and maintenance,
23 and to manage and integrate defense-related institu-
24 tions.”.

25 (d) REPORT.—

1 (1) IN GENERAL.—Not later than 120 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense, in consultation with the Secretary
4 of State, shall submit to the appropriate congress-
5 sional committees a report on the activities of the
6 Office of Security Cooperation in Iraq.

7 (2) MATTERS TO BE INCLUDED.—The report
8 shall include the following:

9 (A) A description, in unclassified form (but
10 with a classified annex if appropriate), of any
11 capability gaps in the security forces of Iraq,
12 including capability gaps relating to intelligence
13 matters, protection of Iraq airspace, and logis-
14 tics and maintenance.

15 (B) A description of the extent, if any, to
16 which the programs of the Office of Security
17 Cooperation in Iraq, in conjunction with other
18 United States programs such as the Foreign
19 Military Financing program, the Foreign Mili-
20 tary Sales program, and joint training exer-
21 cises, will address the capability gaps described
22 in subparagraph (A) if the Government of Iraq
23 requests assistance in addressing such capa-
24 bility gaps.

1 (C) A detailed discussion of the current
2 manpower, budget, and authorities of the Office
3 of Security Cooperation in Iraq.

4 (D) A detailed plan for the transition of
5 the costs of the activities of the Office of Secu-
6 rity Cooperation in Iraq to Foreign Military
7 Sales case funding by September 30, 2014, and
8 a detailed description of the planned manpower,
9 budget, and authorities of the Office to imple-
10 ment such a plan.

11 (E) A description of existing authorities
12 available to be used to cover the costs of train-
13 ing the Iraqi Security Forces, including a list of
14 specific training activities and number of associ-
15 ated personnel that the Secretary of Defense
16 determines cannot be conducted under any ex-
17 isting authority not provided by this section.

18 (F) A description of those measures of ef-
19 fectiveness that will be used to evaluate the ac-
20 tivities of the Office of Security Cooperation in
21 Iraq and a discussion of the process that will
22 use those measures of effectiveness to make de-
23 terminations if specific activities of the Office
24 should be expanded, altered, or terminated.

1 (3) UPDATE REQUIRED.—Not later than Sep-
2 tember 30, 2013, the Secretary of Defense, in con-
3 sultation with the Secretary of State, shall submit to
4 the appropriate congressional committees an update
5 of the report required by paragraph (1), including a
6 description of any changes to any specific element or
7 process described in subparagraphs (A) through (F)
8 of paragraph (2).

9 (4) DEFINITION.—In this subsection, the term
10 “appropriate congressional committees” means—

11 (A) the congressional defense committees;

12 and

13 (B) the Committee on Foreign Relations of
14 the Senate and the Committee on Foreign Af-
15 fairs of the House of Representatives.

16 **SEC. 1212. REPORT ON INSIDER ATTACKS IN AFGHANISTAN**
17 **AND THEIR EFFECT ON THE UNITED STATES**
18 **TRANSITION STRATEGY FOR AFGHANISTAN.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) to the maximum extent possible and con-
22 sistent with the commander’s professional judgment
23 and the requirements of the mission, the United
24 States military should conduct local force protection

1 for its troops on bases where such troops are garrisoned or housed in Afghanistan;

2
3 (2) the increase in attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel raises concerns about the force protection for United States troops in Afghanistan and the procedures for screening, vetting, and monitoring Afghanistan National Security Forces personnel and Afghan Public Protection Force personnel;

14 (3) the Department of Defense and the Government of Afghanistan are making efforts to address the threat of such attacks and associated threats, but continued leadership will be required; and

18 (4) the North Atlantic Treaty Organization/International Security Assistance Force and the Government of Afghanistan should establish a program to continue to enhance vetting of Afghanistan National Security Forces and Afghan Public Protection Force recruits, to monitor the Afghanistan National Security Forces and the Afghan Public Protection Force personnel, and to re-assess Afghani-

1 stan National Security Forces and Afghan Public
2 Protection Force personnel as required.

3 (b) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary of Defense
5 shall, in consultation with the Secretary of State and the
6 Commander of North Atlantic Treaty Organization/Inter-
7 national Security Assistance Force forces in Afghanistan,
8 submit to Congress a report on the attacks and associated
9 threats by Afghanistan National Security Forces per-
10 sonnel, Afghanistan National Security Forces imperson-
11 ators, Afghan Public Protection Force personnel, Afghan
12 Public Protection Force impersonators, and private secu-
13 rity contractors against United States, Afghanistan, and
14 coalition military and civilian personnel (“insider at-
15 tacks”) in Afghanistan, and the effect of these attacks on
16 the overall transition strategy in Afghanistan.

17 (c) ELEMENTS.—The report required by subsection
18 (b) shall include the following:

19 (1) A description of the nature and proximate
20 causes of the attacks described in subsection (b), in-
21 cluding the following:

22 (A) An estimate of the number of such at-
23 tacks on United States, Afghanistan, and coali-
24 tion military personnel since January 1, 2007.

1 (B) An estimate of the number of United
2 States, Afghanistan, and coalition personnel
3 killed or wounded in such attacks.

4 (C) The circumstances or conditions that
5 may have influenced such attacks.

6 (D) An assessment of the threat posed by
7 infiltration, and a best assessment of the extent
8 of infiltration by insurgents into the Afghani-
9 stan National Security Forces and the Afghan
10 Public Protection Force.

11 (E) A description of trends in the preva-
12 lence of such attacks, including where such at-
13 tacks occur, the political and ethnic affiliation
14 of attackers, and the targets of attackers.

15 (2) A description of the restrictions and other
16 actions taken by the United States and North Atlan-
17 tic Treaty Organization/International Security As-
18 sistance Force forces to protect military and civilian
19 personnel from future insider attacks, including
20 measures in predeployment training.

21 (3) A description of the actions taken by the
22 Government of Afghanistan to prevent and respond
23 to insider attacks, including improved vetting prac-
24 tices.

1 (4) A description of the insider threat-related
2 factors that will influence the size and scope of the
3 post-2014 training mission for the Afghanistan Na-
4 tional Security Forces.

5 (5) An assessment of the impact of the insider
6 attacks in Afghanistan in 2012 on the overall transi-
7 tion strategy in Afghanistan and its prospects for
8 success, including an assessment how such insider
9 attacks impact—

10 (A) partner operations between North At-
11 lantic Treaty Organization/International Secu-
12 rity Assistance Force forces and Afghanistan
13 National Security Forces;

14 (B) training programs for the Afghanistan
15 National Security Forces, including proposed
16 training plans to be executed during the post-
17 2014 training mission for the Afghanistan Na-
18 tional Security Forces;

19 (C) United States Special Forces training
20 of the Afghan Local Police and its integration
21 into the Afghanistan National Security Forces;
22 and

23 (D) the willingness of North Atlantic Trea-
24 ty Organization/International Security Assist-
25 ance Force allies to maintain forces in Afghani-

1 stan or commit to the post-2014 training mis-
2 sion for the Afghanistan National Security
3 Forces.

4 (6) An assessment of the impact that a reduc-
5 tion in training and partnering would have on the
6 independent capabilities of the Afghanistan National
7 Security Forces, and whether the training of the Af-
8 ghanistan National Security Forces should remain a
9 key component of the United States and North At-
10 lantic Treaty Organization strategy in Afghanistan.

11 (d) **ADDITIONAL REPORTS.**—The Secretary of De-
12 fense shall submit to the congressional defense committees
13 a semi-annual update to the report required under sub-
14 section (b) through December 31, 2014. The additional
15 reports required by this subsection may be submitted in
16 the report required by section 1230 of the National De-
17 fense Authorization Act for Fiscal Year 2008 (Public Law
18 110–181; 122 Stat. 385), as most recently amended by
19 section 1218(a) of the National Defense Authorization Act
20 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
21 1632).

22 (e) **UNCLASSIFIED EXECUTIVE SUMMARY.**—The re-
23 port submitted under subsection (b) and the semi-annual
24 update to the report submitted under subsection (d) shall

1 include an executive summary of the contents of the report
2 in unclassified form.

3 **SEC. 1213. UNITED STATES MILITARY SUPPORT IN AFGHAN-**
4 **ISTAN.**

5 (a) NOTIFICATION.—The Secretary of Defense shall
6 notify the congressional defense committees of any deci-
7 sion of the President to change force levels of United
8 States Armed Forces deployed in Afghanistan.

9 (b) SUBMITTAL REQUIRED.—Not later than 30 days
10 after a decision by the President to change the force levels
11 of United States Armed Forces deployed in Afghanistan,
12 the Chairman of the Joint Chiefs of Staff shall, through
13 the Secretary of Defense, submit to the congressional de-
14 fense committees a detailed assessment of the risk to the
15 United States mission and interests in Afghanistan as the
16 change in levels is implemented.

17 (c) ELEMENTS.—The risk assessment under sub-
18 section (b) on a change in force levels of United States
19 Armed Forces in Afghanistan shall include the following:

20 (1) A description of the current security situa-
21 tion in Afghanistan.

22 (2) A description of any anticipated changes to
23 United States military operations and objectives in
24 Afghanistan associated with such change in force
25 levels.

1 (3) An identification and assessment of any
2 changes in United States military capabilities, in-
3 cluding manpower, logistics, intelligence, and mobil-
4 ity support, in Afghanistan associated with such
5 change in force levels.

6 (4) An identification and assessment of the risk
7 associated with any changes in United States mis-
8 sion, military capabilities, operations, and objectives
9 in Afghanistan associated with such change in force
10 levels.

11 (5) An identification and assessment of any ca-
12 pability gaps within the Afghanistan security forces
13 that will impact their ability to conduct operations
14 following such change in force levels.

15 (6) An identification and assessment of the risk
16 associated with the transition of combat responsibil-
17 ities to the Afghanistan security forces following
18 such change in force levels.

19 (7) An assessment of the impact of such change
20 in force levels on coalition military contributions to
21 the mission in Afghanistan.

22 (8) A description of the assumptions to be in
23 force regarding the security situation in Afghanistan
24 following such change in force levels.

1 (9) Such other matters regarding such change
2 in force levels as the Chairman considers appro-
3 priate.

4 (d) **TERMINATION.**—The requirement to notify the
5 congressional defense committees under subsection (a)
6 shall terminate on December 31, 2014.

7 **SEC. 1214. MODIFICATION OF REPORT ON PROGRESS TO-**
8 **WARD SECURITY AND STABILITY IN AFGHAN-**
9 **ISTAN.**

10 (a) **IN GENERAL.**—Section 1230 of the National De-
11 fense Authorization Act for Fiscal Year 2008 (Public Law
12 110–181; 122 Stat. 385), as most recently amended by
13 section 1218(a) of the National Defense Authorization Act
14 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
15 1632), is further amended—

16 (1) by redesignating subsections (e), (f), and
17 (g) as subsections (f), (g), and (h), respectively; and

18 (2) by inserting after subsection (d) the fol-
19 lowing:

20 “(e) **ADDITIONAL MATTERS TO BE INCLUDED ON**
21 **AFGHANISTAN NATIONAL SECURITY FORCES.**—In report-
22 ing on performance indicators and measures of progress
23 required under subsection (d)(2)(D), the report required
24 under subsection (a) shall assess the following:

1 “(1) For overall Afghanistan National Security
2 Forces (ANSF):

3 “(A) A description of the
4 professionalization of the Afghan National
5 Army (ANA) and Afghan National Police
6 (ANP), including literacy, training benchmarks,
7 and vetting outcomes.

8 “(B) An assessment of the ANA and the
9 ANP interaction with the Afghan civilian popu-
10 lation and respect for human rights.

11 “(C) An outline of United States contribu-
12 tions for the current fiscal year and one-year
13 projected fiscal year and pledges for contribu-
14 tions by other countries.

15 “(D) The percentage of officer corps and
16 noncommissioned officer corps personnel as
17 compared to end-strength requirements.

18 “(2) For logistics:

19 “(A) An assessment of the ANA and ANP
20 logistics system, including a discussion of crit-
21 ical supply shortfalls and challenges associated
22 with filling supply requests.

23 “(B) A description of the logistical capac-
24 ity of the ANA and ANP and how operations
25 are sustained in the areas in which the ANA

1 and ANP are transitioned and in areas in which
2 the ANA and the ANP are in pre-transition
3 stages.

4 “(3) For transition:

5 “(A) An assessment, by province, of the se-
6 curity situation and capability of ANSF in
7 those areas that have been transitioned to an
8 Afghan security lead, to include a description of
9 the transition stages for each such province and
10 readiness ratings for the ANSF in each such
11 province.

12 “(B) An assessment, by province, of the
13 security situation and capability of ANSF in
14 pre-transition areas, to include readiness rat-
15 ings.

16 “(C) A description of how security force
17 assistance teams and security force assistance
18 brigades will be integrated into ANSF units.

19 “(4) For preparation for the 2014 elections:

20 The steps taken by the United States, ISAF, and
21 the Government of Afghanistan to carry out the fol-
22 lowing:

23 “(A) Identify and train a sufficient num-
24 ber of the ANSF, to include female members of
25 the ANSF.

1 “(B) Provide for the security of the elec-
2 tions, including security of polling places, elec-
3 tion workers, election materials, and such other
4 locations and personnel as may be necessary to
5 safely carry out the elections, including partici-
6 pation of women.

7 “(C) Assist with ensuring that election
8 workers and materials can be safely and se-
9 curely transported in Afghanistan as may be re-
10 quired.

11 “(5) For partnership and assistance activities:

12 “(A) A discussion of ongoing partnership
13 activities in Afghanistan, including partnership
14 activities as part of major operations and ef-
15 forts, and including metrics used to measure
16 the quantity of ongoing partnership activities
17 and changes to how partnership activities are
18 conducted that affect significant numbers of
19 United States Armed Forces, ISAF, or Afghan
20 units and the reasons for any such change.

21 “(B) A discussion of any transition from
22 partnership activities conducted by United
23 States Armed Forces or other international
24 units with Afghan forces to the use of security
25 force assistance teams or security force assist-

1 viding security for their own country so as to prevent Af-
2 ghanistan from ever again becoming a safe haven for ter-
3 rorists that threaten Afghanistan, the region, and the
4 world.

5 (b) CONDUCT OF ASSESSMENT.—The assessment re-
6 quired by subsection (a) may, at the election of the Sec-
7 retary, be conducted by—

8 (1) a Federally-funded research and develop-
9 ment center (FFRDC); or

10 (2) an independent, non-governmental institute
11 described in section 501(c)(3) of the Internal Rev-
12 enue Code of 1986 and exempt from tax under sec-
13 tion 501(a) of such Code that has recognized creden-
14 tials and expertise in national security and military
15 affairs appropriate for the assessment.

16 (c) ELEMENTS.—The assessment required by sub-
17 section (a) shall include, but not be limited to, the fol-
18 lowing:

19 (1) An assessment of the likely internal and re-
20 gional security environment for Afghanistan over the
21 next decade, including challenges and threats to the
22 security and sovereignty of Afghanistan from state
23 and non-state actors.

24 (2) An assessment of the strength, force struc-
25 ture, force posture, and capabilities required to

1 make the Afghan National Security Forces capable
2 of providing security for their own country so as to
3 prevent Afghanistan from ever again becoming a
4 safe haven for terrorists that threaten Afghanistan,
5 the region, and the world.

6 (3) An assessment of any capability gaps in the
7 Afghan National Security Forces that are likely to
8 persist after 2014 and that will require continued
9 support from the United States and its allies.

10 (4) An assessment whether current proposals
11 for the resourcing of the Afghan National Security
12 Forces after 2014 are adequate to establish and
13 maintain long-term security for the Afghanistan peo-
14 ple, and implications of the under-resourcing of the
15 Afghan National Security Forces for United States
16 national security interests.

17 (d) REPORT.—Not later than one year after the date
18 of the enactment of this Act, the entity selected for the
19 conduct of the assessment required by subsection (a) shall
20 provide to the Secretary and the congressional defense
21 committees a report containing its findings as a result of
22 the assessment. The report shall be submitted in unclassi-
23 fied form, but may include a classified annex.

24 (e) FUNDING.—Of the amounts authorized to be ap-
25 propriated for fiscal year 2013 by section 301 and avail-

1 able for operation and maintenance for Defense-wide ac-
2 tivities as specified in the funding table in section 4301,
3 up to \$1,000,000 shall be made available for the assess-
4 ment required by subsection (a).

5 (f) AFGHAN NATIONAL SECURITY FORCES.—For
6 purposes of this section, the Afghan National Security
7 Forces shall include all forces under the authority of the
8 Afghan Ministry of Defense and Afghan Ministry of Inte-
9 rior, including the Afghan National Army, the Afghan Na-
10 tional Police, the Afghan Border Police, the Afghan Na-
11 tional Civil Order Police, and the Afghan Local Police.

12 **SEC. 1216. EXTENSION AND MODIFICATION OF LOGISTICAL**
13 **SUPPORT FOR COALITION FORCES SUP-**
14 **PORTING CERTAIN UNITED STATES MILITARY**
15 **OPERATIONS.**

16 (a) EXTENSION.—Section 1234 of the National De-
17 fense Authorization Act for Fiscal Year 2008 (Public Law
18 110–181; 122 Stat. 394), as most recently amended by
19 section 1211 of the National Defense Authorization Act
20 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
21 1629)), is further amended by striking “fiscal year 2012”
22 each place it appears and inserting “fiscal year 2013”.

23 (b) REPEAL OF AUTHORITY FOR USE OF FUNDS IN
24 CONNECTION WITH IRAQ.—

1 (1) IN GENERAL.—Subsection (a) of such sec-
2 tion 1234, as so amended, is further amended by
3 striking “Iraq and”.

4 (2) CONFORMING AMENDMENT.—The heading
5 of such section 1234 is amended by striking “**IRAQ**
6 **AND**”.

7 **SEC. 1217. REPORT ON AFGHANISTAN PEACE AND RE-**
8 **INTEGRATION PROGRAM.**

9 (a) REPORT REQUIRED.—Not later than 120 days
10 after the date of the enactment of this Act, the Secretary
11 of Defense shall, in consultation with the Secretary of
12 State, submit to the appropriate committees of Congress
13 a report on the Afghanistan Peace and Reintegration Pro-
14 gram (APRP).

15 (b) ELEMENTS.—The report required by subsection
16 (a) shall include the following:

17 (1) A description of the goals and objectives of
18 the Afghanistan Peace and Reintegration Program.

19 (2) A description of the structure of the Pro-
20 gram at the national and sub-national levels in Af-
21 ghanistan, including the number and types of voca-
22 tional training and other education programs.

23 (3) A description of the activities of the Pro-
24 gram as of the date of the report.

1 (4) A description and assessment of the proce-
2 dures for vetting individuals seeking to participate in
3 the Program, including an assessment of the extent
4 to which biometric identification systems are used
5 and the role of provincial peace councils in such pro-
6 cedures.

7 (5) The amount of funding provided by the
8 United States, and by the international community,
9 to support the Program, and the amount of funds so
10 provided that have been distributed as of the date of
11 the report.

12 (6) An assessment of the individuals who have
13 been reintegrated into the Program, set forth in
14 terms as follows:

15 (A) By geographic distribution by province.

16 (B) By number of each of low-level insur-
17 gent fighters, mid-level commanders, and senior
18 commanders.

19 (C) By number confirmed to have been
20 part of the insurgency.

21 (D) By number who are currently mem-
22 bers of the Afghan Local Police.

23 (E) By number who are participating in or
24 have completed vocational training or other
25 educational programs as part of the Program.

1 (7) A description and assessment of the proce-
2 dures for monitoring the individuals participating in
3 the Program.

4 (8) A description and assessment of the role of
5 women and minority populations in the implementa-
6 tion of the Program.

7 (9) An assessment of the effectiveness of the
8 activities of the Program described under paragraph
9 (3) in achieving the goals and objectives of the Pro-
10 gram.

11 (10) Such recommendations as the Secretary of
12 Defense considers appropriate for improving the im-
13 plementation, oversight, and effectiveness of the Pro-
14 gram.

15 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
16 FINED.—In this section, the term “appropriate commit-
17 tees of Congress” means—

18 (1) the Committee on Armed Services, the
19 Committee on Foreign Relations, and the Committee
20 on Appropriations of the Senate; and

21 (2) the Committee on Armed Services, the
22 Committee on Foreign Affairs, and the Committee
23 on Appropriations of the House of Representatives.

1 **SEC. 1218. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
2 **FUNDS FOR REINTEGRATION ACTIVITIES IN**
3 **AFGHANISTAN.**

4 Section 1216 of the Ike Skelton National Defense
5 Authorization Act for Fiscal Year 2011 (Public Law 111–
6 383; 124 Stat. 4392), as amended by section 1216 of the
7 National Defense Authorization Act for Fiscal Year 2012
8 (Public Law 112–81; 125 Stat. 1632), is further amend-
9 ed—

10 (1) in subsection (a)—

11 (A) by striking “\$50,000,000” and insert-
12 ing “\$35,000,000”; and

13 (B) by striking “in each of fiscal years
14 2011 and 2012” and inserting “for fiscal year
15 2013”; and

16 (2) in subsection (e)—

17 (A) by striking “utilize funds” and insert-
18 ing “obligate funds”; and

19 (B) by striking “December 31, 2012” and
20 inserting “December 31, 2013”.

21 **SEC. 1219. ONE-YEAR EXTENSION AND MODIFICATION OF**
22 **AUTHORITY FOR PROGRAM TO DEVELOP AND**
23 **CARRY OUT INFRASTRUCTURE PROJECTS IN**
24 **AFGHANISTAN.**

25 Section 1217(f) of the Ike Skelton National Defense
26 Authorization Act for Fiscal Year 2011 (Public Law 111–

1 383; 124 Stat. 4393), as amended by section 1217(a) of
2 the National Defense Authorization Act for Fiscal Year
3 2012 (Public Law 112–81; 125 Stat. 1632), is further
4 amended—

5 (1) by striking paragraph (1) and inserting the
6 following new paragraph (1):

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 to carry out the program authorized under sub-
9 section (a), the Secretary of Defense may use
10 amounts as follows:

11 “(A) Up to \$400,000,000 made available
12 to the Department of Defense for operation and
13 maintenance for fiscal year 2012.

14 “(B) Up to \$350,000,000 made available
15 to the Department of Defense for operation and
16 maintenance for fiscal year 2013.”;

17 (2) in paragraph (2)—

18 (A) by striking “85 percent” and inserting
19 “50 percent”;

20 (B) by inserting “for a fiscal year after fis-
21 cal year 2011” after “in paragraph (1)”; and

22 (C) by striking “fiscal year 2012.” and in-
23 serting “such fiscal year, including for each
24 project to be initiated during such fiscal year
25 the following:

1 “(A) An estimate of the financial and
2 other requirements necessary to sustain such
3 project on an annual basis after the completion
4 of such project.

5 “(B) An assessment whether the Govern-
6 ment of Afghanistan is committed to and has
7 the capacity to maintain and use such project
8 after its completion.

9 “(C) A description of any arrangements
10 for the sustainment of such project following its
11 completion if the Government of Afghanistan
12 lacks the capacity (in either financial or human
13 resources) to maintain such project.”; and

14 (3) in paragraph (3), by adding at the end the
15 following new subparagraph:

16 “(C) In the case of funds for fiscal year
17 2013, until September 30, 2014.”.

18 **SEC. 1220. REPORT ON UPDATES AND MODIFICATIONS TO**
19 **CAMPAIGN PLAN FOR AFGHANISTAN.**

20 (a) **REPORT REQUIRED.**—Not later than 180 days
21 after the date on which any substantial update or modi-
22 fication is made to the campaign plan for Afghanistan (in-
23 cluding the supporting and implementing documents for
24 such plan), the Comptroller General of the United States
25 shall submit to the congressional defense committees a re-

1 port on the updated or modified plan, including an assess-
2 ment of the updated or modified plan.

3 (b) EXCEPTION.—The requirement to submit a re-
4 port under subsection (a) on any substantial update or
5 modification to the campaign plan for Afghanistan shall
6 not apply if the Comptroller General—

7 (1) determines that a report submitted to Con-
8 gress by the Comptroller General before the date of
9 the enactment of this Act substantially meets the re-
10 quirement to submit the report under subsection (a);
11 and

12 (2) notifies the congressional defense commit-
13 tees in writing of the determination under paragraph
14 (1).

15 (c) TERMINATION.—The requirement to submit a re-
16 port under subsection (a) on any substantial update or
17 modification to the campaign plan for Afghanistan shall
18 terminate on September 30, 2014.

19 (d) REPEAL OF SUPERSEDED REQUIREMENTS.—Sec-
20 tion 1226 of the National Defense Authorization Act for
21 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525)
22 is repealed.

23 **SEC. 1221. COMMANDERS' EMERGENCY RESPONSE PRO-**
24 **GRAM IN AFGHANISTAN.**

25 (a) ONE-YEAR EXTENSION.—

1 forces to restore and maintain peace and security in that
2 country.

3 (b) LIMITATIONS.—

4 (1) VALUE.—The aggregate replacement value
5 of all defense articles transferred and defense serv-
6 ices provided in connection with such defense articles
7 under subsection (a) in any fiscal year may not ex-
8 ceed \$250,000,000.

9 (2) SOURCE OF TRANSFERRED ARTICLES.—The
10 authority under subsection (a) may only be used for
11 defense articles that—

12 (A) were present in Afghanistan as of the
13 date of the enactment of this Act;

14 (B) immediately before transfer were in
15 use to support operations in Afghanistan; and

16 (C) are no longer required by United
17 States forces in Afghanistan.

18 (c) APPLICABLE LAW.—Any defense articles trans-
19 ferred or defense services provided under the authority of
20 subsection (a) shall be subject to the authorities and limi-
21 tations applicable to excess defense articles under section
22 516 of the Foreign Assistance Act of 1961 (22 U.S.C.
23 2321j), other than the authorities and limitations in sub-
24 sections (b)(1)(B), (e), (f), and (g) of such section.

1 (d) REPORT REQUIRED BEFORE EXERCISE OF AU-
2 THORITY.—

3 (1) IN GENERAL.—The Secretary of Defense
4 may not exercise the authority under subsection (a)
5 until 15 days after the Secretary submits to the ap-
6 propriate committees of Congress a report on the
7 equipment and other property of the Department of
8 Defense in Afghanistan.

9 (2) ELEMENTS.—The report required under
10 paragraph (1) shall include the following:

11 (A) A description of the process for
12 inventorying equipment and property, including
13 defense articles, in Afghanistan owned by the
14 Department of Defense, including equipment
15 and property owned by the Department and
16 under the control of contractors in Afghanistan.

17 (B) An estimate of the types and quan-
18 tities of equipment and property of the Depart-
19 ment of Defense, including defense articles, an-
20 ticipated to be withdrawn from Afghanistan in
21 connection with the drawdown of United States
22 military forces from Afghanistan between the
23 date of the enactment of this Act and December
24 31, 2014, including equipment and property

1 owned by the Department and under the con-
2 trol of contractors in Afghanistan.

3 (e) NOTICE ON EXERCISE OF AUTHORITY.—

4 (1) IN GENERAL.—The Secretary of Defense
5 may not transfer defense articles or provide defense
6 services under subsection (a) until 15 days after the
7 date on which the Secretary of Defense, with the
8 concurrence of the Secretary of State, submits to the
9 appropriate committees of Congress notice of the
10 proposed transfer of defense articles and provision of
11 defense services.

12 (2) ELEMENTS.—A notice under paragraph (1)
13 shall include the following:

14 (A) A description of the amount and types
15 of defense articles to be transferred and defense
16 services to be provided.

17 (B) A statement describing the current
18 value of the defense articles to be transferred
19 and the estimated replacement value of such ar-
20 ticles.

21 (C) An identification of the element of the
22 military or security force that is the proposed
23 recipient of the defense articles to be trans-
24 ferred and defense service to be provided.

1 (D) An identification of the military de-
2 partment from which the defense articles to be
3 transferred are to be drawn.

4 (E) An assessment of the impact, if any,
5 of the transfer of defense articles on the readi-
6 ness of units from which the defense articles
7 are to be transferred, and the plan, if any, for
8 mitigating such impact or reimbursing the mili-
9 tary department of such units for such defense
10 articles.

11 (F) An assessment of the ability of the
12 Government of Afghanistan to sustain the costs
13 associated with receiving, possessing, and using
14 the defense articles to be transferred.

15 (G) A determination and certification by
16 the Secretary of Defense, with the concurrence
17 of the Secretary of State, that—

18 (i) the proposed transfer of the de-
19 fense articles to be transferred and the
20 provision of defense services to be provided
21 in connection with such transfer is in the
22 national interest of the United States; and

23 (ii) such defense articles are required
24 by the military and security forces of Af-
25 ghanistan to build their capacity to restore

1 and maintain peace and security in that
2 country.

3 (f) QUARTERLY REPORTS.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the first transfer of defense articles and
6 provision of defense services under the authority in
7 subsection (a), and at the end of each calendar quar-
8 ter, if any, thereafter through March 31, 2015, in
9 which the authority in subsection (a) is exercised,
10 the Secretary of Defense shall submit to the appro-
11 priate committees of Congress a report on the imple-
12 mentation of the authority in subsection (a). Each
13 report shall include the replacement value of the de-
14 fense articles transferred pursuant to subsection (a),
15 both in the aggregate and by military department,
16 and defense services provided to the Government of
17 Afghanistan, during the 90-day period ending on the
18 date of such report.

19 (2) INCLUSION IN OTHER REPORT.—A report
20 required under paragraph (1) may be included in the
21 report required under section 9204 of the Supple-
22 mental Appropriations Act, 2008 (Public Law 110–
23 252; 122 Stat. 2410) or any follow on report to such
24 other report.

25 (g) DEFINITIONS.—In this section:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Armed Services, the
5 Committee on Foreign Relations, and the Com-
6 mittee on Appropriations of the Senate; and

7 (B) the Committee on Armed Services, the
8 Committee on Foreign Affairs, and the Com-
9 mittee on Appropriations of the House of Rep-
10 resentatives.

11 (2) DEFENSE ARTICLES.—The term “defense
12 articles” has the meaning given the term in section
13 644(d) of the Foreign Assistance Act of 1961 (22
14 U.S.C. 2403(d)).

15 (3) DEFENSE SERVICES.—The term “defense
16 services” has the meaning given the term in section
17 644(f) of the Foreign Assistance Act of 1961 (22
18 U.S.C. 2403(f)).

19 (4) MILITARY AND SECURITY FORCES.—The
20 term “military and security forces” means national
21 armies, national air forces, national navies, national
22 guard forces, police forces, and border security
23 forces, but does not include nongovernmental or ir-
24 regular forces (such as private militias).

1 (h) EXPIRATION.—The authority provided in sub-
2 section (a) may not be exercised after December 31, 2014.

3 (i) EXCESS DEFENSE ARTICLES.—

4 (1) ADDITIONAL AUTHORITY.—The authority
5 provided by subsection (a) is in addition to the au-
6 thority provided by section 516 of the Foreign As-
7 sistance Act of 1961.

8 (2) EXEMPTIONS.—

9 (A) During fiscal years 2013 and 2014,
10 the value of excess defense articles transferred
11 from the stocks of the Department of Defense
12 in Afghanistan pursuant to section 516 of the
13 Foreign Assistance Act of 1961 shall not be
14 counted against the limitation on the aggregate
15 value of excess defense articles transferred con-
16 tained in subsection (g) of such section.

17 (B) During fiscal years 2013 and 2014,
18 any excess defense articles specified in subpara-
19 graph (A) shall not be subject to the authorities
20 and limitations applicable to excess defense ar-
21 ticles under section 516 of the Foreign Assist-
22 ance Act of 1961 contained in subsections
23 (b)(1)(B) and (e) of such section.

1 **SEC. 1223. REPORT ON EFFORTS TO PROMOTE THE SECU-**
2 **RITY OF AFGHAN WOMEN AND GIRLS DURING**
3 **THE SECURITY TRANSITION PROCESS.**

4 (a) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense and the Secretary of State shall
8 jointly submit to the appropriate congressional com-
9 mittees a report on efforts by the United States
10 Government to promote the security of Afghan
11 women and girls during the security transition proc-
12 ess.

13 (2) ELEMENTS.—The report required under
14 paragraph (1) shall include the following elements:

15 (A) A discussion of efforts to monitor
16 changes in women’s security conditions in areas
17 undergoing transition, including the following:

18 (i) A description of the roles and re-
19 sponsibilities of the offices within the
20 International Security Assistance Force,
21 the United States Embassy, and the
22 NATO Training Mission–Afghanistan that
23 have lead responsibility for gender issues.

24 (ii) A description of the indicators
25 against which sex-disaggregated data is
26 collected and what, if any, additional indi-

1 cators may enhance efforts to measure the
2 security of women and girls during the
3 transition process.

4 (iii) A discussion of how these indica-
5 tors are or may be incorporated into ongo-
6 ing efforts to assess overall security condi-
7 tions during the transition period.

8 (iv) Recommendations, if any, on how
9 assessments of women's security can be
10 more fully integrated into current proce-
11 dures used to determine an area's readi-
12 ness to proceed through the transition
13 process.

14 (B) A discussion of efforts that may in-
15 crease gender awareness and responsiveness
16 among Afghan National Army (ANA) and Af-
17 ghan National Police (ANP) personnel, includ-
18 ing the following:

19 (i) A description of the efforts, if any,
20 to work with Afghan and coalition partners
21 to promote training curricula and pro-
22 gramming that address the human rights
23 and treatment of women and girls and that
24 assess the quality and impact of such
25 training.

1 (ii) A description of the efforts, if any,
2 to work with ANA and ANP leaders to de-
3 velop enforcement and accountability
4 mechanisms for ANA and ANP personnel
5 who violate codes of conduct related to the
6 human rights of women and girls.

7 (iii) A description of the efforts, if
8 any, to work with Afghan and coalition
9 partners to promote the implementation of
10 the above tools and develop uniform meth-
11 ods and standards for training and en-
12 forcement.

13 (iv) Recommendations, if any, for en-
14 hancing efforts to promote the objectives
15 described in clauses (i) through (iii).

16 (C) A discussion of efforts to increase the
17 number of female members of the ANA and
18 ANP, including the following:

19 (i) A description of the efforts, if any,
20 to assist ANA and ANP leaders in devel-
21 oping realistic and achievable objectives for
22 the recruitment and retention of women to
23 the ANA and ANP by the end of the secu-
24 rity transition period in 2014.

1 (ii) A description of the efforts, if any,
2 to assist ANA and ANP leaders and coali-
3 tion partners in addressing physical and
4 cultural challenges to the recruitment and
5 retention of female ANA and ANP per-
6 sonnel.

7 (iii) A description of the efforts, if
8 any, to assist ANA and ANP leaders in in-
9 creasing awareness of how women mem-
10 bers of the security forces may improve the
11 overall effectiveness of the ANA and ANP.

12 (iv) A description of the efforts, if
13 any, to assist ANA and ANP leaders in de-
14 veloping a plan for maintaining and in-
15 creasing the recruitment and retention of
16 women in the ANA and ANP following the
17 completion of the security transition.

18 (v) Recommendations, if any, for en-
19 hancing efforts to promote the objectives
20 described in clauses (i) through (iv).

21 (3) UPDATES.—The Secretary of Defense shall
22 include in each report on progress toward security
23 and stability in Afghanistan that is submitted to
24 Congress under sections 1230 and 1231 of the Na-
25 tional Defense Authorization Act for Fiscal Year

1 2008 (Public Law 110–181; 122 Stat. 385, 390) up-
2 dated information on efforts by the United States
3 Government to promote the security of Afghan
4 women and girls consistent with the requirements of
5 this section.

6 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
7 DEFINED.—In this section, the term “appropriate con-
8 gressional committees” means—

9 (1) the Committee on Armed Services and the
10 Committee on Foreign Relations of the Senate; and

11 (2) the Committee on Armed Services and the
12 Committee on Foreign Affairs of the House of Rep-
13 resentatives.

14 **SEC. 1224. SENSE OF CONGRESS COMMENDING THE EN-**
15 **DURING STRATEGIC PARTNERSHIP AGREE-**
16 **MENT BETWEEN THE UNITED STATES AND**
17 **AFGHANISTAN.**

18 (a) FINDINGS.—Congress makes the following find-
19 ings:

20 (1) The United States and Afghanistan have
21 been allies in the conflict against al Qaeda and its
22 affiliates for over a decade, with the shared goal of
23 ensuring that Afghanistan is never again a sanc-
24 tuary for al Qaeda.

1 (2) The United States and Afghanistan are
2 committed to the framework agreed to at the North
3 Atlantic Treaty Organization (NATO) Summit in
4 Lisbon in 2010, and reaffirmed at the NATO Sum-
5 mit in Chicago in 2012, for the transition from coa-
6 lition forces to the Afghan National Security Forces
7 of lead responsibility for security throughout Af-
8 ghanistan by the end of 2014.

9 (3) In June 2011, President Barack Obama
10 said, “What we can do, and will do, is build a part-
11 nership with the Afghan people that endures—one
12 that ensures that we will be able to continue tar-
13 geting terrorists and supporting a sovereign Afghan
14 government”.

15 (4) In November 2011, a traditional loya jirga
16 in Kabul declared that “strategic cooperation with
17 the United States of America, which is a strategic
18 ally of the people and government of Afghanistan, is
19 considered important in order to ensure political,
20 economic, and military security” and also stated,
21 “Signing a strategic cooperation document with the
22 United States conforms with the national interest of
23 Afghanistan and is of significant importance”.

24 (5) On May 2, 2012, President Obama and
25 President Hamid Karzai signed the Enduring Stra-

1 tegic Partnership Agreement Between the United
2 States of America and the Islamic Republic of Af-
3 ghanistan.

4 (6) At the signing of the Enduring Strategic
5 Partnership Agreement, President Obama said,
6 “Today we’re agreeing to be long-term partners in
7 combating terrorism, and training Afghan security
8 forces, strengthening democratic institutions and
9 supporting development, and protecting human
10 rights of all Afghans. With this agreement, the Af-
11 ghan people, and the world, should know that Af-
12 ghanistan has a friend and a partner in the United
13 States”.

14 (7) At a May 20, 2012, bilateral meeting with
15 President Karzai at the NATO Summit in Chicago,
16 President Obama said that the Enduring Strategic
17 Partnership Agreement “reflects a future in which
18 two sovereign nations—the United States and Af-
19 ghanistan—are operating as partners, to the benefit
20 of our countries’ citizens, but also for the benefit of
21 peace and security and stability in the region and
22 around the world”.

23 (8) President Karzai said at the May 20, 2012,
24 bilateral meeting with President Obama, “Mr. Presi-
25 dent, the partnership that we signed a few weeks

1 ago in Kabul has turned a new page in our relations.
2 And the new page is a page of two sovereign coun-
3 tries working together for the mutual interests—
4 peace and security and in all other areas”.

5 (9) On May 26, 2012, the Wolesi Jirga, the
6 lower house of the Afghan parliament, approved the
7 Agreement by a vote of 191–7 with 2 abstentions.

8 (10) On June 3, 2012, the Meshrano Jirga, the
9 upper house of the Afghan parliament, approved the
10 Agreement by a vote of 67–13.

11 (11) On July 8, 2012, at the Tokyo Conference
12 on Afghanistan, the international community and
13 the Government of Afghanistan reaffirmed their
14 partnership in the economic growth and development
15 of Afghanistan through a process of mutual commit-
16 ments and accountability.

17 (12) On July 4, 2012, the Enduring Strategic
18 Partnership Agreement entered into force.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) the members of the United States Armed
22 Forces, intelligence community, and diplomatic and
23 development community of the United States are to
24 be commended for their dedicated efforts and sac-
25 rifices in support of military and stability operations

1 in Afghanistan that have helped strengthen security
2 in Afghanistan, laid the foundation for transition to
3 a long-term partnership between the United States
4 and a sovereign Afghanistan, and supported the
5 Government and people of Afghanistan as they con-
6 tinue to build their capacity to effectively and justly
7 govern;

8 (2) the United States negotiating team for the
9 Enduring Strategic Partnership Agreement, includ-
10 ing the United States Embassy personnel in Kabul
11 under the leadership of Ambassador Ryan Crocker,
12 is to be commended for its committed diplomatic ef-
13 forts;

14 (3) the Governments of the United States and
15 Afghanistan are to be commended for concluding the
16 Enduring Strategic Partnership Agreement;

17 (4) Congress supports the objectives and prin-
18 ciples of the Enduring Strategic Partnership Agree-
19 ment, including protecting and promoting shared
20 democratic values, advancing long-term security, re-
21 inforcing regional security and cooperation, fostering
22 social and economic development, upholding the
23 rights of women and minorities, and strengthening
24 institutions and governance in Afghanistan;

1 (5) it is essential that the Government and peo-
2 ple of Afghanistan fulfill Afghanistan's international
3 commitments as agreed at the Tokyo Conference of
4 July 2012, the Bonn Conference of December 2011,
5 the Kabul Conference of July 2011, and other
6 venues to combat corruption, protect the equal
7 rights of all citizens of Afghanistan and enforce the
8 rule of law, hold free and fair elections in 2014, and
9 build inclusive and effective institutions of demo-
10 cratic governance;

11 (6) a key national security interest of the
12 United States is to maintain a long-term political,
13 economic, and military relationship with Afghani-
14 stan, including a limited presence of United States
15 Armed Forces for the purpose of training, advising,
16 and supporting Afghan National Security Forces
17 and cooperating on shared counterterrorism objec-
18 tives;

19 (7) the negotiation and conclusion of a Bilateral
20 Security Agreement, as called for in the Enduring
21 Strategic Partnership Agreement, will provide a fun-
22 damental framework for the long-term security rela-
23 tionship between the United States and Afghanistan;
24 and

1 (8) Congress has a critical role in continuing to
2 provide the support and assistance necessary to
3 achieve the goals of the Enduring Strategic Partner-
4 ship Agreement.

5 **SEC. 1225. CONSULTATIONS WITH CONGRESS ON A BILAT-**
6 **ERAL SECURITY AGREEMENT WITH AFGHANI-**
7 **STAN.**

8 (a) **CONSULTATIONS REQUIRED.**—Commencing not
9 later than 30 days after the date of the enactment of this
10 Act, the President shall consult periodically with the ap-
11 propriate committees of Congress on the status of the ne-
12 gotiations on a bilateral security agreement between the
13 United States of America and the Islamic Republic of Af-
14 ghanistan. Such consultations shall include a briefing
15 summarizing the purpose, objectives, and key issues relat-
16 ing to the agreement.

17 (b) **AVAILABILITY OF AGREEMENT TEXT.**—Before
18 entering into any bilateral security agreement with Af-
19 ghanistan, the President shall make available to the ap-
20 propriate committees of Congress the text of such agree-
21 ment.

22 (c) **TERMINATION OF CONSULTATIONS.**—The re-
23 quirements of this section shall terminate on the date on
24 which the United States and Afghanistan enter into a bi-
25 lateral security agreement or the President notifies Con-

1 gress that negotiations on such an agreement have been
2 terminated.

3 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
4 FINED.—In this section, the term “appropriate commit-
5 tees of Congress” means—

6 (1) the Committee on Armed Services and the
7 Committee on Foreign Relations of the Senate; and

8 (2) the Committee on Armed Services and the
9 Committee on Foreign Affairs of the House of Rep-
10 resentatives.

11 **SEC. 1226. COMPLETION OF TRANSITION OF UNITED**
12 **STATES COMBAT AND MILITARY AND SECU-**
13 **RITY OPERATIONS TO THE GOVERNMENT OF**
14 **AFGHANISTAN.**

15 (a) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the President should, in coordination with
18 the Government of Afghanistan, North Atlantic
19 Treaty Organization (NATO) member countries, and
20 other allies in Afghanistan, seek to—

21 (A) undertake all appropriate activities to
22 accomplish the President’s stated goal of
23 transitioning the lead responsibility for security
24 to the Government of Afghanistan by mid-sum-
25 mer 2013;

1 (B) as part of accomplishing this transi-
2 tion of the lead responsibility for security to the
3 Government of Afghanistan, draw down United
4 States troops to a level sufficient to meet this
5 goal;

6 (C) continue to draw down United States
7 troop levels through the end of 2014; and

8 (D) end all regular combat operations by
9 United States troops by not later than Decem-
10 ber 31, 2014, and take all possible steps to end
11 such operations at the earliest date consistent
12 with a safe and orderly draw down of United
13 States troops in Afghanistan; and

14 (2) the recommendations of the commanders of
15 the International Security Assistance Force on the
16 overall strategy for Afghanistan, including the pace
17 of the draw down, should be given serious consider-
18 ation.

19 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to recommend or support any limi-
21 tation or prohibition on any authority of the President—

22 (1) to modify the military strategy, tactics, and
23 operations of United States Armed Forces as such
24 Armed Forces redeploy from Afghanistan;

1 (2) to authorize United States forces in Af-
2 ghanistan to defend themselves whenever they may
3 be threatened;

4 (3) to attack al-Qaeda forces wherever such
5 forces are located;

6 (4) to provide financial support and equipment
7 to the Government of Afghanistan for the training
8 and supply of Afghanistan military and security
9 forces; or

10 (5) to gather, provide, and share intelligence
11 with United States allies operating in Afghanistan
12 and Pakistan.

13 **SEC. 1227. EXTENSION AND MODIFICATION OF AUTHORITY**
14 **FOR REIMBURSEMENT OF CERTAIN COALI-**
15 **TION NATIONS FOR SUPPORT PROVIDED TO**
16 **UNITED STATES MILITARY OPERATIONS.**

17 (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of
18 section 1233 of the National Defense Authorization Act
19 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
20 393), as most recently amended by section 1213 of the
21 National Defense Authorization Act for Fiscal Year 2012
22 (Public Law 112–81; 125 Stat. 1630), is further amended
23 by striking “for fiscal year 2012” and inserting “for fiscal
24 year 2013”.

1 (b) LIMITATION ON AMOUNTS AVAILABLE.—Sub-
2 section (d) of such section 1233, as so amended, is further
3 amended—

4 (1) in paragraph (1)—

5 (A) by striking “during fiscal year 2012
6 may not exceed \$1,690,000,000” and inserting
7 “during fiscal year 2013 may not exceed
8 \$1,650,000,000”; and

9 (B) by adding at the end the following new
10 sentence: “Of the aggregate amount specified in
11 the preceding sentence, the total amount of re-
12 imbursements made under subsection (a) and
13 support provided under subsection (b) to Paki-
14 stan during fiscal year 2013 may not exceed
15 \$1,200,000,000.”; and

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

18 “(3) PROHIBITION ON REIMBURSEMENT OF
19 PAKISTAN FOR SUPPORT DURING PERIODS CLOSED
20 TO TRANSSHIPMENT.—Effective as of the date of the
21 enactment of the National Defense Authorization
22 Act for Fiscal Year 2013, funds (including funds
23 from a prior fiscal year that remain available for ob-
24 ligation) may not be used for reimbursements under
25 the authority in subsection (a) for Pakistan for

1 claims of support provided during any period when
2 the ground lines of supply through Pakistan to Af-
3 ghanistan were closed to the transshipment of equip-
4 ment and supplies in support of United States mili-
5 tary operations in Afghanistan.”.

6 (c) SUPPORTED OPERATIONS.—Such section 1233 is
7 further amended in subsections (a)(1) and (b) by striking
8 “Operation Iraqi Freedom or”.

9 (d) LIMITATION ON REIMBURSEMENT OF PAKISTAN
10 IN FISCAL YEAR 2013 PENDING CERTIFICATION ON
11 PAKISTAN.—

12 (1) IN GENERAL.—Effective as of the date of
13 the enactment of this Act, no amounts authorized to
14 be appropriated by this Act, and no amounts author-
15 ized to be appropriated for fiscal years before fiscal
16 year 2013 that remain available for obligation, may
17 be used for reimbursements of Pakistan under the
18 authority in subsection (a) of section 1233 of the
19 National Defense Authorization Act for Fiscal Year
20 2008, as amended by this section, until the Sec-
21 retary of Defense certifies to the congressional de-
22 fense committees each of the following:

23 (A) That Pakistan is maintaining security
24 along the Ground Lines of Communications
25 (GLOCs) through Pakistan to Afghanistan for

1 the transshipment of equipment and supplies in
2 support of United States military operations in
3 Afghanistan and the retrograde of United
4 States equipment out of Afghanistan.

5 (B) That Pakistan is taking demonstrable
6 steps to—

7 (i) support counterterrorism oper-
8 ations against al Qaeda, Tehrik-i-Taliban
9 Pakistan, and other militant extremists
10 groups such as the Haqqani Network and
11 the Quetta Shura Taliban located in Paki-
12 stan;

13 (ii) disrupt the conduct of cross-bor-
14 der attacks against United States, coali-
15 tion, and Afghanistan security forces lo-
16 cated in Afghanistan by such groups (in-
17 cluding the Haqqani Network and the
18 Quetta Shura Taliban) from bases in Paki-
19 stan; and

20 (iii) counter the threat of improvised
21 explosive devices, including efforts to at-
22 tack improvised explosive device networks,
23 monitor known precursors used in impro-
24 vised explosive devices, and systematically
25 address the misuse of explosive materials

1 (including calcium ammonium nitrate) and
2 accessories and their supply to legitimate
3 end-users in a manner that impedes the
4 flow of improvised explosive devices and
5 improvised explosive device components
6 into Afghanistan.

7 (2) WAIVER AUTHORITY.—The Secretary may
8 waive the limitation in paragraph (1) if the Sec-
9 retary certifies to the congressional defense commit-
10 tees in writing that the waiver is in the national se-
11 curity interests of the United States and includes
12 with such certification a justification for the waiver.

13 (3) REPORT.—Not later than 90 days after the
14 date of enactment of this Act, the Secretary of De-
15 fense shall, in consultation with the Secretary of
16 State, submit to the congressional defense commit-
17 tees a report on the provision of reimbursements and
18 support to Pakistan under this section and the
19 amendments made by this section. The report shall
20 include the following:

21 (A) A description of the process for reim-
22 bursing or providing support to Pakistan under
23 section 1233 of the National Defense Author-
24 ization Act for Fiscal Year 2008, as so amend-

1 ed, including the process by which claims are
2 proposed and adjudicated.

3 (B) Any conditions or caveats that the
4 Government of Pakistan has placed on the use
5 of the ground lines of supply through Pakistan
6 in support of United States forces in Afghani-
7 stan or for the retrograde of United States
8 equipment out of Afghanistan.

9 (C) An estimate of the costs for fiscal
10 years 2011 through 2013 associated with the
11 transshipment of equipment and supplies in
12 support of United States forces in Afghanistan
13 through—

- 14 (i) supply routes in Pakistan; and
15 (ii) supply routes along the Northern
16 Distribution Network.

17 **SEC. 1228. EXTENSION AND MODIFICATION OF PAKISTAN**
18 **COUNTERINSURGENCY FUND.**

19 (a) EXTENSION.—Section 1224(h) of the National
20 Defense Authorization Act for Fiscal Year 2010 (Public
21 Law 111–84; 123 Stat. 2521), as most recently amended
22 by section 1220(a) of the National Defense Authorization
23 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
24 1633), is further amended by striking “September 30,

1 2012” each place it appears and inserting “September 30,
2 2013”.

3 (b) EXTENSION OF LIMITATION ON FUNDS PENDING
4 REPORT.—Section 1220(b)(1)(A) of the National Defense
5 Authorization Act for Fiscal Year 2012 (Public Law 112–
6 81; 125 Stat. 1633) is amended by striking “fiscal year
7 2012” and inserting “fiscal year 2013”.

8 (c) LIMITATION ON USE OF FUNDS.—

9 (1) LIMITATION.—None of the funds authorized
10 to be appropriated by this Act or otherwise made
11 available for the Pakistan Counterinsurgency Fund
12 may be used to provide assistance to the Govern-
13 ment of Pakistan until the Secretary of Defense, in
14 consultation with the Secretary of State, certifies to
15 the appropriate congressional committees that—

16 (A) the Government of Pakistan is dem-
17 onstrating a continuing commitment to and is
18 making significant efforts toward the implemen-
19 tation of a strategy to counter improvised explo-
20 sive devices (IEDs), including—

21 (i) attacking IED networks;

22 (ii) monitoring known precursors used
23 in IEDs; and

24 (iii) developing a strict protocol for
25 the manufacture of explosive materials, in-

1 cluding calcium ammonium nitrate, and
2 accessories and their supply to legitimate
3 end users; and

4 (B) the Government of Pakistan is cooper-
5 ating with United States counterterrorism ef-
6 forts, including by not detaining, prosecuting,
7 or imprisoning citizens of Pakistan as a result
8 of their cooperation with such efforts, including
9 Dr. Shakil Afridi.

10 (2) WAIVER.—The Secretary of Defense, in
11 consultation with the Secretary of State, may waive
12 the requirements of paragraph (1) if the Secretary
13 of Defense determines it is in the national security
14 interest of the United States to do so.

15 (3) DEFINITION.—In this subsection, the term
16 “appropriate congressional committees” means—

17 (A) the congressional defense committees;
18 and

19 (B) the Committee on Foreign Relations of
20 the Senate and the Committee on Foreign Af-
21 fairs of the House of Representatives.

1 regions of the foreign countries described in sub-
2 section (a).

3 (3) Any other matters the Chairman of the
4 Joint Chiefs of Staff considers to be relevant.

5 (c) INFORMATION TO BE CONSIDERED.—In pre-
6 paring the report required by subsection (a), the Chair-
7 man of the Joint Chiefs of Staff should consider the infor-
8 mation contained in the most recent reports required by
9 the following:

10 (1) Section 1236 of the National Defense Au-
11 thorization Act for Fiscal Year 2012 (Public Law
12 112–81; 125 Stat. 1641).

13 (2) Section 1245 of the National Defense Au-
14 thorization Act for Fiscal Year 2010 (Public Law
15 111–84; 123 Stat. 2542).

16 (3) Section 1202 of the National Defense Au-
17 thorization Act for Fiscal Year 2000 (Public Law
18 106–65; 113 Stat. 781; 10 U.S.C. 113 note).

19 **SEC. 1232. REPORT ON MILITARY CAPABILITIES OF GULF**
20 **COOPERATION COUNCIL MEMBERS.**

21 (a) REPORT.—The Secretary of Defense, in consulta-
22 tion with the Secretary of State, shall evaluate the military
23 capabilities of members of the Cooperation Council for the
24 Arab States of the Gulf (in this section referred to as the
25 “Gulf Cooperation Council”) and submit to the appro-

1 priate congressional committees a report on the findings
2 of such evaluation.

3 (b) MATTERS TO BE INCLUDED.—The report re-
4 quired under subsection (a) shall include the following:

5 (1) An assessment of the military capabilities of
6 Gulf Cooperation Council members to defend collec-
7 tively against Iran and contribute to international
8 counter-terrorism and counter-piracy efforts.

9 (2) An assessment of gaps in the military capa-
10 bilities of Gulf Cooperation Council members to de-
11 fend collectively against Iran and a detailed descrip-
12 tion of military capabilities necessary to address
13 those gaps.

14 (3) An evaluation of United States military ca-
15 pabilities and posture in the region and an analysis
16 of the capacity of the United States Armed Forces
17 to augment the military capabilities of Gulf Coopera-
18 tion Council members.

19 (4) A description of the United States Govern-
20 ment's ongoing efforts to foster regional cooperation
21 through ongoing bilateral and multilateral strategic
22 security dialogues.

23 (5) A summary of Gulf Cooperation Council
24 operational and training requests to the United

1 States Government and the associated actions taken
2 by the United States Government.

3 (c) SUBMISSION TO CONGRESS.—The report required
4 under subsection (a) shall be submitted to the appropriate
5 congressional committees not later than 180 days after the
6 date of the enactment of this Act.

7 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term “appropriate con-
9 gressional committees” means—

10 (1) the Committee on Appropriations, the Com-
11 mittee on Armed Services, and the Committee on
12 Foreign Relations of the Senate; and

13 (2) the Committee on Appropriations, the Com-
14 mittee on Armed Services, and the Committee on
15 Foreign Affairs of the House of Representatives.

16 **SEC. 1233. SENSE OF CONGRESS WITH RESPECT TO IRAN.**

17 It is the sense of Congress that the United States
18 should be prepared to take all necessary measures, includ-
19 ing military action if required, to prevent Iran from
20 threatening the United States, its allies, or Iran’s neigh-
21 bors with a nuclear weapon.

22 **SEC. 1234. RULE OF CONSTRUCTION.**

23 Nothing in this Act shall be construed as authorizing
24 the use of force against Iran.

1 **Subtitle D—Iran Sanctions**

2 **SEC. 1241. SHORT TITLE.**

3 This subtitle may be cited as the “Iran Freedom and
4 Counter-Proliferation Act of 2012”.

5 **SEC. 1242. DEFINITIONS.**

6 (a) IN GENERAL.—In this subtitle:

7 (1) AGRICULTURAL COMMODITY.—The term
8 “agricultural commodity” has the meaning given
9 that term in section 102 of the Agricultural Trade
10 Act of 1978 (7 U.S.C. 5602).

11 (2) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the committees specified in section
15 14(2) of the Iran Sanctions Act of 1996 (Public
16 Law 104–172; 50 U.S.C. 1701 note); and

17 (B) the Committee on Armed Services of
18 the Senate and the Committee on Armed Serv-
19 ices of the House of Representatives.

20 (3) COAL.—The term “coal” means metallur-
21 gical coal, coking coal, or fuel coke.

22 (4) CORRESPONDENT ACCOUNT; PAYABLE-
23 THROUGH ACCOUNT.—The terms “correspondent ac-
24 count” and “payable-through account” have the

1 meanings given those terms in section 5318A of title
2 31, United States Code.

3 (5) FOREIGN FINANCIAL INSTITUTION.—The
4 term “foreign financial institution” has the meaning
5 of that term as determined by the Secretary of the
6 Treasury pursuant to section 104(i) of the Com-
7 prehensive Iran Sanctions, Accountability, and Di-
8 vestment Act of 2010 (22 U.S.C. 8513(i)).

9 (6) GOOD.—The term “good” has the meaning
10 given that term in section 16 of the Export Adminis-
11 tration Act of 1979 (50 U.S.C. App. 2415) (as con-
12 tinued in effect pursuant to the International Emer-
13 gency Economic Powers Act (50 U.S.C. 1701 et
14 seq.)).

15 (7) IRANIAN FINANCIAL INSTITUTION.—The
16 term “Iranian financial institution” has the meaning
17 given that term in section 104A(d) of the Com-
18 prehensive Iran Sanctions, Accountability, and Di-
19 vestment Act of 2010 (22 U.S.C. 8513b(d)).

20 (8) IRANIAN PERSON.—The term “Iranian per-
21 son” means—

22 (A) an individual who is a citizen or na-
23 tional of Iran; and

1 (B) an entity organized under the laws of
2 Iran or otherwise subject to the jurisdiction of
3 the Government of Iran.

4 (9) KNOWINGLY.—The term “knowingly”, with
5 respect to conduct, a circumstance, or a result,
6 means that a person has actual knowledge, or should
7 have known, of the conduct, the circumstance, or the
8 result.

9 (10) MEDICAL DEVICE.—The term “medical de-
10 vice” has the meaning given the term “device” in
11 section 201 of the Federal Food, Drug, and Cos-
12 metic Act (21 U.S.C. 321).

13 (11) MEDICINE.—The term “medicine” has the
14 meaning given the term “drug” in section 201 of the
15 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
16 321).

17 (12) SHIPPING.—The term “shipping” refers to
18 the transportation of goods by a vessel and related
19 activities.

20 (13) UNITED STATES PERSON.—The term
21 “United States person” has the meaning given that
22 term in section 101 of the Comprehensive Iran
23 Sanctions, Accountability, and Divestment Act of
24 2010 (22 U.S.C. 8511).

1 (14) VESSEL.—The term “vessel” has the
2 meaning given that term in section 3 of title 1,
3 United States Code.

4 (b) DETERMINATIONS OF SIGNIFICANCE.—For pur-
5 poses of this subtitle, in determining if financial trans-
6 actions or financial services are significant, the President
7 may consider the totality of the facts and circumstances,
8 including factors similar to the factors set forth in section
9 561.404 of title 31, Code of Federal Regulations (or any
10 corresponding similar regulation or ruling).

11 **SEC. 1243. SENSE OF CONGRESS RELATING TO VIOLATIONS**
12 **OF HUMAN RIGHTS BY IRAN.**

13 (a) FINDING.—Congress finds that the interests of
14 the United States and international peace are threatened
15 by the ongoing and destabilizing actions of the Govern-
16 ment of Iran, including its massive, systematic, and ex-
17 traordinary violations of the human rights of its own citi-
18 zens.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that the United States should—

21 (1) deny the Government of Iran the ability to
22 continue to oppress the people of Iran and to use vi-
23 olence and executions against pro-democracy
24 protestors and regime opponents;

1 (2) fully and publicly support efforts made by
2 the people of Iran to promote the establishment of
3 basic freedoms that build the foundation for the
4 emergence of a freely elected, open, and democratic
5 political system;

6 (3) help the people of Iran produce, access, and
7 share information freely and safely via the Internet
8 and through other media; and

9 (4) defeat all attempts by the Government of
10 Iran to jam or otherwise obstruct international sat-
11 ellite broadcast signals.

12 **SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO**
13 **THE ENERGY, SHIPPING, AND SHIPBUILDING**
14 **SECTORS OF IRAN.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) Iran's energy, shipping, and shipbuilding
18 sectors and Iran's ports are facilitating the Govern-
19 ment of Iran's nuclear proliferation activities by pro-
20 viding revenue to support proliferation activities.

21 (2) The United Nations Security Council and
22 the United States Government have expressed con-
23 cern about the proliferation risks presented by the
24 Iranian nuclear program.

1 (3) The Director General of the International
2 Atomic Energy Agency (in this section referred to as
3 the “IAEA”) has in successive reports (GOV/2012/
4 37 and GOV/2011/65) identified possible military di-
5 mensions of Iran’s nuclear program.

6 (4) The Government of Iran continues to defy
7 the requirements and obligations contained in rel-
8 evant IAEA Board of Governors and United Nations
9 Security Council resolutions, including by continuing
10 and expanding uranium enrichment activities in
11 Iran, as reported in IAEA Report GOV/2012/37.

12 (5) United Nations Security Council Resolution
13 1929 (2010) recognizes the “potential connection be-
14 tween Iran’s revenues derived from its energy sector
15 and the funding of Iran’s proliferation sensitive nu-
16 clear activities”.

17 (6) The National Iranian Tanker Company is
18 the main carrier for the Iranian Revolutionary
19 Guard Corps-designated National Iranian Oil Com-
20 pany and a key element in the petroleum supply
21 chain responsible for generating energy revenues
22 that support the illicit nuclear proliferation activities
23 of the Government of Iran.

24 (b) DESIGNATION OF PORTS AND ENTITIES IN THE
25 ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF

1 IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Enti-
2 ties that operate ports in Iran and entities in the energy,
3 shipping, and shipbuilding sectors of Iran, including the
4 National Iranian Oil Company, the National Iranian
5 Tanker Company, the Islamic Republic of Iran Shipping
6 Lines, and their affiliates, play an important role in Iran’s
7 nuclear proliferation efforts and all such entities are here-
8 by designated as entities of proliferation concern.

9 (c) BLOCKING OF PROPERTY OF ENTITIES IN EN-
10 ERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

11 (1) BLOCKING OF PROPERTY.—

12 (A) IN GENERAL.—On and after the date
13 that is 180 days after the date of the enact-
14 ment of this Act, the President shall block and
15 prohibit all transactions in all property and in-
16 terests in property of any person described in
17 paragraph (2) if such property and interests in
18 property are in the United States, come within
19 the United States, or are or come within the
20 possession or control of a United States person.

21 (B) EXCEPTION.—The requirement to
22 block and prohibit all transactions in all prop-
23 erty and interests in property under subpara-
24 graph (A) shall not include the authority to im-
25 pose sanctions on the importation of goods.

1 (2) PERSONS DESCRIBED.—A person is de-
2 scribed in this paragraph if the President determines
3 that the person, on or after the date that is 180
4 days after the date of the enactment of this Act—

5 (A) is part of the energy, shipping, or ship-
6 building sectors of Iran;

7 (B) operates a port in Iran; or

8 (C) knowingly provides significant finan-
9 cial, material, technological, or other support to,
10 or goods or services in support of any activity
11 or transaction on behalf of or for the benefit
12 of—

13 (i) a person determined under sub-
14 paragraph (A) to be a part of the energy,
15 shipping, or shipbuilding sectors of Iran;

16 (ii) a person determined under sub-
17 paragraph (B) to operate a port in Iran; or

18 (iii) an Iranian person included on the
19 list of specially designated nationals and
20 blocked persons maintained by the Office
21 of Foreign Assets Control of the Depart-
22 ment of the Treasury (other than an Ira-
23 nian financial institution described in para-
24 graph (3)).

1 (3) IRANIAN FINANCIAL INSTITUTIONS DE-
2 SCRIBED.—An Iranian financial institution described
3 in this paragraph is an Iranian financial institution
4 that has not been designated for the imposition of
5 sanctions in connection with—

6 (A) Iran’s proliferation of weapons of mass
7 destruction or delivery systems for weapons of
8 mass destruction;

9 (B) Iran’s support for international ter-
10 rorism; or

11 (C) Iran’s abuses of human rights.

12 (d) ADDITIONAL SANCTIONS WITH RESPECT TO THE
13 ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF
14 IRAN.—

15 (1) SALE, SUPPLY, OR TRANSFER OF CERTAIN
16 GOODS AND SERVICES.—

17 (A) IN GENERAL.—Except as provided in
18 this section, the President shall impose 5 or
19 more of the sanctions described in section 6(a)
20 of the Iran Sanctions Act of 1996 (Public Law
21 104–172; 50 U.S.C. 1701 note) with respect to
22 a person if the President determines that the
23 person knowingly, on or after the date that is
24 180 days after the date of the enactment of this

1 Act, sells, supplies, or transfers to or from Iran
2 goods or services described in paragraph (3).

3 (B) EXCEPTION.—The requirement to im-
4 pose sanctions under subparagraph (A) shall
5 not include the authority to impose sanctions
6 relating to the importation of goods under para-
7 graph (8)(A) or (12) of section 6(a) of the Iran
8 Sanctions Act of 1996, and any sanction relat-
9 ing to the importation of goods shall not count
10 for purposes of the requirement to impose sanc-
11 tions under subparagraph (A).

12 (2) FACILITATION OF CERTAIN TRANS-
13 ACTIONS.—Except as provided in this section, the
14 President shall prohibit the opening, and prohibit or
15 impose strict conditions on the maintaining, in the
16 United States of a correspondent account or a pay-
17 able-through account by a foreign financial institu-
18 tion that the President determines knowingly, on or
19 after the date that is 180 days after the date of the
20 enactment of this Act, conducts or facilitates a sig-
21 nificant financial transaction for the sale, supply, or
22 transfer to or from Iran of goods or services de-
23 scribed in paragraph (3).

24 (3) GOODS AND SERVICES DESCRIBED.—Goods
25 or services described in this paragraph are signifi-

1 cant goods or services used in connection with the
2 energy, shipping, or shipbuilding sectors of Iran, in-
3 cluding the National Iranian Oil Company, the Na-
4 tional Iranian Tanker Company, and the Islamic Re-
5 public of Iran Shipping Lines.

6 (e) HUMANITARIAN EXCEPTION.—The President
7 may not impose sanctions under this section with respect
8 to any person for conducting or facilitating a transaction
9 for the sale of agricultural commodities, food, medicine,
10 or medical devices to Iran or for the provision of humani-
11 tarian assistance to the people of Iran.

12 (f) EXCEPTION FOR AFGHANISTAN RECONSTRUC-
13 TION.—The President may provide for an exception from
14 the imposition of sanctions under this section for recon-
15 struction assistance or economic development for Afghani-
16 stan—

17 (1) to the extent that the President determines
18 that such an exception is in the national interest of
19 the United States; and

20 (2) if the President submits to the appropriate
21 congressional committees a notification of and jus-
22 tification for the exception not later than 15 days
23 before issuing the exception.

24 (g) APPLICABILITY OF SANCTIONS TO PETROLEUM
25 AND PETROLEUM PRODUCTS.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), this section shall apply with respect to
3 the purchase of petroleum or petroleum products
4 from Iran only if, at the time of the purchase, a de-
5 termination of the President under section
6 1245(d)(4)(B) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2012 (22 U.S.C.
8 8513a(d)(4)(B)) that the price and supply of petro-
9 leum and petroleum products produced in countries
10 other than Iran is sufficient to permit purchasers of
11 petroleum and petroleum products from Iran to re-
12 duce significantly their purchases from Iran is in ef-
13 fect.

14 (2) EXCEPTION FOR CERTAIN COUNTRIES.—

15 (A) EXPORTATION.—This section shall not
16 apply with respect to the exportation of petro-
17 leum or petroleum products from Iran to a
18 country to which the exception under section
19 1245(d)(4)(D)(i) of the National Defense Au-
20 thorization Act for Fiscal Year 2012 (22 U.S.C.
21 8513a(d)(4)(D)(i)) applies at the time of the
22 exportation of the petroleum or petroleum prod-
23 ucts.

24 (B) FINANCIAL TRANSACTIONS.—

1 (i) IN GENERAL.—This section shall
2 not apply with respect to a financial trans-
3 action described in clause (ii) conducted or
4 facilitated by a foreign financial institution
5 if, at the time of the transaction, the ex-
6 ception under section 1245(d)(4)(D)(i) of
7 the National Defense Authorization Act for
8 Fiscal Year 2012 (22 U.S.C.
9 8513a(d)(4)(D)(i)) applies to the country
10 with primary jurisdiction over the foreign
11 financial institution.

12 (ii) FINANCIAL TRANSACTIONS DE-
13 SCRIBED.—A financial transaction con-
14 ducted or facilitated by a foreign financial
15 institution is described in this clause if—

16 (I) the financial transaction is
17 only for trade in goods or services—

18 (aa) not otherwise subject to
19 sanctions under the law of the
20 United States; and

21 (bb) between the country
22 with primary jurisdiction over the
23 foreign financial institution and
24 Iran; and

1 (II) any funds owed to Iran as a
2 result of such trade are credited to an
3 account located in the country with
4 primary jurisdiction over the foreign
5 financial institution.

6 (h) APPLICABILITY OF SANCTIONS TO NATURAL
7 GAS.—

8 (1) SALE, SUPPLY, OR TRANSFER.—Except as
9 provided in paragraph (2), this section shall not
10 apply to the sale, supply, or transfer to or from Iran
11 of natural gas.

12 (2) FINANCIAL TRANSACTIONS.—This section
13 shall apply to a foreign financial institution that
14 conducts or facilitates a financial transaction for the
15 sale, supply, or transfer to or from Iran of natural
16 gas unless—

17 (A) the financial transaction is only for
18 trade in goods or services—

19 (i) not otherwise subject to sanctions
20 under the law of the United States; and

21 (ii) between the country with primary
22 jurisdiction over the foreign financial insti-
23 tution and Iran; and

24 (B) any funds owed to Iran as a result of
25 such trade are credited to an account located in

1 the country with primary jurisdiction over the
2 foreign financial institution.

3 (i) WAIVER.—

4 (1) IN GENERAL.—The President may waive
5 the imposition of sanctions under this section for a
6 period of not more than 180 days, and may renew
7 that waiver for additional periods of not more than
8 180 days, if the President—

9 (A) determines that such a waiver is vital
10 to the national security of the United States;
11 and

12 (B) submits to the appropriate congres-
13 sional committees a report providing a justifica-
14 tion for the waiver.

15 (2) FORM OF REPORT.—Each report submitted
16 under paragraph (1)(B) shall be submitted in un-
17 classified form, but may include a classified annex.

18 **SEC. 1245. IMPOSITION OF SANCTIONS WITH RESPECT TO**
19 **THE SALE, SUPPLY, OR TRANSFER OF CER-**
20 **TAIN MATERIALS TO OR FROM IRAN.**

21 (a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MA-
22 TERIALS.—

23 (1) IN GENERAL.—The President shall impose
24 5 or more of the sanctions described in section 6(a)
25 of the Iran Sanctions Act of 1996 (Public Law 104—

1 172; 50 U.S.C. 1701 note) with respect to a person
2 if the President determines that the person know-
3 ingly, on or after the date that is 180 days after the
4 date of the enactment of this Act, sells, supplies, or
5 transfers, directly or indirectly, to or from Iran—

6 (A) a precious metal;

7 (B) a material described in subsection (d)
8 determined pursuant to subsection (e)(1) to be
9 used by Iran as described in that subsection;

10 (C) any other material described in sub-
11 section (d) if—

12 (i) the material is—

13 (I) to be used in connection with
14 the energy, shipping, or shipbuilding
15 sectors of Iran or any sector of the
16 economy of Iran determined pursuant
17 to subsection (e)(2) to be controlled
18 directly or indirectly by Iran's Revolu-
19 tionary Guard Corps;

20 (II) sold, supplied, or transferred
21 to or from an Iranian person included
22 on the list of specially designated na-
23 tionals and blocked persons main-
24 tained by the Office of Foreign Assets
25 Control of the Department of the

1 Treasury (other than an Iranian fi-
2 nancial institution described in sub-
3 section (b)); or

4 (III) determined pursuant to sub-
5 section (e)(3) to be used in connection
6 with the nuclear, military, or ballistic
7 missile programs of Iran; or

8 (ii) the material is resold, retrans-
9 ferred, or otherwise supplied—

10 (I) to an end-user in a sector de-
11 scribed in subclause (I) of clause (i);

12 (II) to a person described in sub-
13 clause (II) of that clause; or

14 (III) for a program described in
15 subclause (III) of that clause.

16 (2) EXCEPTION.—The requirement to impose
17 sanctions under paragraph (1) shall not include the
18 authority to impose sanctions relating to the impor-
19 tation of goods under paragraph (8)(A) or (12) of
20 section 6(a) of the Iran Sanctions Act of 1996, and
21 any sanction relating to the importation of goods
22 shall not count for purposes of the requirement to
23 impose sanctions under paragraph (1).

24 (b) IRANIAN FINANCIAL INSTITUTIONS DE-
25 SCRIBED.—An Iranian financial institution described in

1 this subsection is an Iranian financial institution that has
2 not been designated for the imposition of sanctions in con-
3 nection with—

4 (1) Iran's proliferation of weapons of mass de-
5 struction or delivery systems for weapons of mass
6 destruction;

7 (2) Iran's support for international terrorism;
8 or

9 (3) Iran's abuses of human rights.

10 (c) FACILITATION OF CERTAIN TRANSACTIONS.—

11 The President shall prohibit the opening, and prohibit or
12 impose strict conditions on the maintaining, in the United
13 States of a correspondent account or a payable-through
14 account by a foreign financial institution that the Presi-
15 dent determines knowingly, on or after the date that is
16 180 days after the date of the enactment of this Act, con-
17 ducts or facilitates a significant financial transaction for
18 the sale, supply, or transfer to or from Iran of materials
19 the sale, supply, or transfer of which would subject a per-
20 son to sanctions under subsection (a).

21 (d) MATERIALS DESCRIBED.—Materials described in
22 this subsection are graphite, raw or semi-finished metals
23 such as aluminum and steel, coal, and software for inte-
24 grating industrial processes.

1 (e) DETERMINATION WITH RESPECT TO USE OF MA-
2 TERIALS.—Not later than 180 days after the date of the
3 enactment of this Act, and every 180 days thereafter, the
4 President shall submit to the appropriate congressional
5 committees and publish in the Federal Register a report
6 that contains the determination of the President with re-
7 spect to—

8 (1) whether Iran is—

9 (A) using any of the materials described in
10 subsection (d) as a medium for barter, swap, or
11 any other exchange or transaction; or

12 (B) listing any of such materials as assets
13 of the Government of Iran for purposes of the
14 national balance sheet of Iran;

15 (2) which sectors of the economy of Iran are
16 controlled directly or indirectly by Iran's Revolu-
17 tionary Guard Corps; and

18 (3) which of the materials described in sub-
19 section (d) are used in connection with the nuclear,
20 military, or ballistic missile programs of Iran.

21 (f) EXCEPTION FOR PERSONS EXERCISING DUE
22 DILIGENCE.—The President may not impose sanctions
23 under subsection (a) or (c) with respect to a person if the
24 President determines that the person has exercised due
25 diligence in establishing and enforcing official policies,

1 procedures, and controls to ensure that the person does
2 not sell, supply, or transfer to or from Iran materials the
3 sale, supply, or transfer of which would subject a person
4 to sanctions under subsection (a) or conduct or facilitate
5 a financial transaction for such a sale, supply, or transfer.

6 (g) WAIVER.—

7 (1) IN GENERAL.—The President may waive
8 the imposition of sanctions under this section for a
9 period of not more than 180 days, and may renew
10 that waiver for additional periods of not more than
11 180 days, if the President—

12 (A) determines that such a waiver is vital
13 to the national security of the United States;
14 and

15 (B) submits to the appropriate congress-
16 sional committees a report providing a justifica-
17 tion for the waiver.

18 (2) FORM OF REPORT.—Each report submitted
19 under paragraph (1)(B) shall be submitted in un-
20 classified form, but may include a classified annex.

21 (h) NATIONAL BALANCE SHEET OF IRAN DE-
22 FINED.—For purposes of this section, the term “national
23 balance sheet of Iran” refers to the ratio of the assets
24 of the Government of Iran to the liabilities of that Govern-
25 ment.

1 **SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **THE PROVISION OF UNDERWRITING SERV-**
3 **ICES OR INSURANCE OR REINSURANCE FOR**
4 **ACTIVITIES OR PERSONS WITH RESPECT TO**
5 **WHICH SANCTIONS HAVE BEEN IMPOSED.**

6 (a) IMPOSITION OF SANCTIONS.—

7 (1) IN GENERAL.—Except as provided in this
8 section, the President shall impose 5 or more of the
9 sanctions described in section 6(a) of the Iran Sanc-
10 tions Act of 1996 (Public Law 104–172; 50 U.S.C.
11 1701 note) with respect to a person if the President
12 determines that the person knowingly, on or after
13 the date that is 180 days after the date of the enact-
14 ment of this Act, provides underwriting services or
15 insurance or reinsurance—

16 (A) for any activity with respect to Iran
17 for which sanctions have been imposed under
18 this subtitle, the International Emergency Eco-
19 nomic Powers Act (50 U.S.C. 1701 et seq.), the
20 Iran Sanctions Act of 1996, the Comprehensive
21 Iran Sanctions, Accountability, and Divestment
22 Act of 2010 (22 U.S.C. 8501 et seq.), the Iran
23 Threat Reduction and Syria Human Rights Act
24 of 2012 (22 U.S.C. 8701 et seq.), the Iran,
25 North Korea, and Syria Nonproliferation Act
26 (Public Law 106–178; 50 U.S.C. 1701 note), or

1 any other provision of law relating to the im-
2 position of sanctions with respect to Iran;

3 (B) to or for any person—

4 (i) with respect to, or for the benefit
5 of any activity in the energy, shipping, or
6 shipbuilding sectors of Iran for which sanc-
7 tions are imposed under this subtitle;

8 (ii) for the sale, supply, or transfer to
9 or from Iran of materials described in sec-
10 tion 1245(d) for which sanctions are im-
11 posed under this subtitle; or

12 (iii) designated for the imposition of
13 sanctions pursuant to the International
14 Emergency Economic Powers Act (50
15 U.S.C. 1701 et seq.) in connection with—

16 (I) Iran's proliferation of weap-
17 ons of mass destruction or delivery
18 systems for weapons of mass destruc-
19 tion; or

20 (II) Iran's support for inter-
21 national terrorism; or

22 (C) to or for any Iranian person included
23 on the list of specially designated nationals and
24 blocked persons maintained by the Office of
25 Foreign Assets Control of the Department of

1 the Treasury (other than an Iranian financial
2 institution described in subsection (b)).

3 (2) EXCEPTION.—The requirement to impose
4 sanctions under paragraph (1) shall not include the
5 authority to impose sanctions relating to the impor-
6 tation of goods under paragraph (8)(A) or (12) of
7 section 6(a) of the Iran Sanctions Act of 1996, and
8 any sanction relating to the importation of goods
9 shall not count for purposes of the requirement to
10 impose sanctions under paragraph (1).

11 (b) IRANIAN FINANCIAL INSTITUTIONS DE-
12 SCRIBED.—An Iranian financial institution described in
13 this subsection is an Iranian financial institution that has
14 not been designated for the imposition of sanctions in con-
15 nection with—

16 (1) Iran’s proliferation of weapons of mass de-
17 struction or delivery systems for weapons of mass
18 destruction;

19 (2) Iran’s support for international terrorism;
20 or

21 (3) Iran’s abuses of human rights.

22 (c) HUMANITARIAN EXCEPTION.—The President
23 may not impose sanctions under subsection (a) for the
24 provision of underwriting services or insurance or reinsur-
25 ance for a transaction for the sale of agricultural commod-

1 ities, food, medicine, or medical devices to Iran or for the
2 provision of humanitarian assistance to the people of Iran.

3 (d) EXCEPTION FOR UNDERWRITERS AND INSUR-
4 ANCE PROVIDERS EXERCISING DUE DILIGENCE.—The
5 President may not impose sanctions under subparagraph
6 (A) or (C) or clause (i) or (ii) of subparagraph (B) of
7 subsection (a)(1) with respect to a person that provides
8 underwriting services or insurance or reinsurance if the
9 President determines that the person has exercised due
10 diligence in establishing and enforcing official policies,
11 procedures, and controls to ensure that the person does
12 not underwrite or enter into a contract to provide insur-
13 ance or reinsurance for an activity described in subpara-
14 graph (A) of that subsection or to or for any person de-
15 scribed in subparagraph (C) or clause (i) or (ii) of sub-
16 paragraph (B) of that subsection.

17 (e) WAIVER.—

18 (1) IN GENERAL.—The President may waive
19 the imposition of sanctions under subsection (a) for
20 a period of not more than 180 days, and may renew
21 that waiver for additional periods of not more than
22 180 days, if the President—

23 (A) determines that such a waiver is vital
24 to the national security of the United States;
25 and

1 (B) submits to the appropriate congres-
2 sional committees a report providing a justifica-
3 tion for the waiver.

4 (2) FORM OF REPORT.—Each report submitted
5 under paragraph (1)(B) shall be submitted in un-
6 classified form, but may include a classified annex.

7 **SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO**
8 **FOREIGN FINANCIAL INSTITUTIONS THAT FA-**
9 **CILITATE FINANCIAL TRANSACTIONS ON BE-**
10 **HALF OF SPECIALLY DESIGNATED NATION-**
11 **ALS.**

12 (a) IN GENERAL.—Except as provided in this section,
13 the President shall prohibit the opening, and prohibit or
14 impose strict conditions on the maintaining, in the United
15 States of a correspondent account or a payable-through
16 account by a foreign financial institution that the Presi-
17 dent determines has, on or after the date that is 180 days
18 after the date of the enactment of this Act, knowingly fa-
19 cilitated a significant financial transaction on behalf of
20 any Iranian person included on the list of specially des-
21 ignated nationals and blocked persons maintained by the
22 Office of Foreign Assets Control of the Department of the
23 Treasury (other than an Iranian financial institution de-
24 scribed in subsection (b)).

1 (b) IRANIAN FINANCIAL INSTITUTIONS DE-
2 SCRIBED.—An Iranian financial institution described in
3 this subsection is an Iranian financial institution that has
4 not been designated for the imposition of sanctions in con-
5 nection with—

6 (1) Iran’s proliferation of weapons of mass de-
7 struction or delivery systems for weapons of mass
8 destruction;

9 (2) Iran’s support for international terrorism;
10 or

11 (3) Iran’s abuses of human rights.

12 (c) HUMANITARIAN EXCEPTION.—The President
13 may not impose sanctions under subsection (a) with re-
14 spect to any person for conducting or facilitating a trans-
15 action for the sale of agricultural commodities, food, medi-
16 cine, or medical devices to Iran or for the provision of hu-
17 manitarian assistance to the people of Iran.

18 (d) APPLICABILITY OF SANCTIONS TO PETROLEUM
19 AND PETROLEUM PRODUCTS.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), subsection (a) shall apply with respect to
22 a financial transaction for the purchase of petroleum
23 or petroleum products from Iran only if, at the time
24 of the transaction, a determination of the President
25 under section 1245(d)(4)(B) of the National Defense

1 Authorization Act for Fiscal Year 2012 (22 U.S.C.
2 8513a(d)(4)(B)) that the price and supply of petro-
3 leum and petroleum products produced in countries
4 other than Iran is sufficient to permit purchasers of
5 petroleum and petroleum products from Iran to re-
6 duce significantly their purchases from Iran is in ef-
7 fect.

8 (2) EXCEPTION FOR CERTAIN COUNTRIES.—

9 (A) IN GENERAL.—Subsection (a) shall not
10 apply with respect to a financial transaction de-
11 scribed in subparagraph (B) conducted or facili-
12 tated by a foreign financial institution if, at the
13 time of the transaction, the exception under
14 section 1245(d)(4)(D)(i) of the National De-
15 fense Authorization Act for Fiscal Year 2012
16 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the
17 country with primary jurisdiction over the for-
18 eign financial institution.

19 (B) FINANCIAL TRANSACTIONS DE-
20 SCRIBED.—A financial transaction conducted or
21 facilitated by a foreign financial institution is
22 described in this subparagraph if—

23 (i) the financial transaction is only for
24 trade in goods or services—

1 (I) not otherwise subject to sanc-
2 tions under the law of the United
3 States; and

4 (II) between the country with
5 primary jurisdiction over the foreign
6 financial institution and Iran; and

7 (ii) any funds owed to Iran as a result
8 of such trade are credited to an account lo-
9 cated in the country with primary jurisdic-
10 tion over the foreign financial institution.

11 (e) APPLICABILITY OF SANCTIONS TO NATURAL
12 GAS.—Subsection (a) shall apply to a foreign financial in-
13 stitution that conducts or facilitates a financial trans-
14 action for the sale, supply, or transfer to or from Iran
15 of natural gas unless—

16 (1) the financial transaction is only for trade in
17 goods or services—

18 (A) not otherwise subject to sanctions
19 under the law of the United States; and

20 (B) between the country with primary ju-
21 risdiction over the foreign financial institution
22 and Iran; and

23 (2) any funds owed to Iran as a result of such
24 trade are credited to an account located in the coun-

1 try with primary jurisdiction over the foreign finan-
2 cial institution.

3 (f) WAIVER.—

4 (1) IN GENERAL.—The President may waive
5 the imposition of sanctions under subsection (a) for
6 a period of not more than 180 days, and may renew
7 that waiver for additional periods of not more than
8 180 days, if the President—

9 (A) determines that such a waiver is vital
10 to the national security of the United States;
11 and

12 (B) submits to the appropriate congres-
13 sional committees a report providing a justifica-
14 tion for the waiver.

15 (2) FORM OF REPORT.—Each report submitted
16 under paragraph (1)(B) shall be submitted in un-
17 classified form, but may include a classified annex.

18 **SEC. 1248. IMPOSITIONS OF SANCTIONS WITH RESPECT TO**
19 **THE ISLAMIC REPUBLIC OF IRAN BROAD-**
20 **CASTING.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) The Islamic Republic of Iran Broadcasting
24 has contributed to the infringement of individuals'

1 human rights by broadcasting forced televised con-
2 fession and show trials.

3 (2) In March 2012, the European Council im-
4 posed sanctions on the President of the Islamic Re-
5 public of Iran Broadcasting, Ezzatollah Zargami, for
6 broadcasting forced confessions of detainees and a
7 series of “show trials” in August 2009 and Decem-
8 ber 2011 that constituted a clear violation of inter-
9 national law with respect to the right to a fair trial
10 and due process.

11 (b) IMPOSITION OF SANCTIONS.—

12 (1) IN GENERAL.—The President shall, after
13 the date of the enactment of this Act—

14 (A) impose sanctions described in section
15 105(c) of the Comprehensive Iran Sanctions,
16 Accountability, and Divestment Act of 2010 (22
17 U.S.C. 8514(c)) with respect to the Islamic Re-
18 public of Iran Broadcasting and the President
19 of the Islamic Republic of Iran Broadcasting,
20 Ezzatollah Zargami; and

21 (B) include the Islamic Republic of Iran
22 Broadcasting and the President of the Islamic
23 Republic of Iran Broadcasting, Ezzatollah
24 Zargami, on the list of specially designated na-
25 tionals and blocked persons maintained by the

1 Office of Foreign Assets Control of the Depart-
2 ment of the Treasury.

3 (2) EXCEPTION.—The requirement to impose
4 sanctions under paragraph (1)(A) shall not include
5 the authority to impose sanctions on the importation
6 of goods.

7 (3) APPLICATION OF CERTAIN PROVISIONS.—
8 Sections 105(d) and 401(b) of the Comprehensive
9 Iran Sanctions, Accountability, and Divestment Act
10 of 2010 (22 U.S.C. 8514(d) and 8551(b)) shall
11 apply with respect to sanctions imposed under para-
12 graph (1)(A) to the same extent that such sections
13 apply with respect to the imposition of sanctions
14 under section 105(a) of that Act (22 U.S.C.
15 8514(a)).

16 **SEC. 1249. IMPOSITION OF SANCTIONS WITH RESPECT TO**
17 **PERSONS ENGAGED IN THE DIVERSION OF**
18 **GOODS INTENDED FOR THE PEOPLE OF IRAN.**

19 (a) IN GENERAL.—Title I of the Comprehensive Iran
20 Sanctions, Accountability, and Divestment Act of 2010
21 (22 U.S.C. 8511 et seq.) is amended by inserting after
22 section 105B the following:

1 **“SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **PERSONS ENGAGED IN THE DIVERSION OF**
3 **GOODS INTENDED FOR THE PEOPLE OF IRAN.**

4 “(a) IMPOSITION OF SANCTIONS.—

5 “(1) IN GENERAL.—The President shall impose
6 sanctions described in section 105(c) with respect to
7 each person on the list required by subsection (b).

8 “(2) EXCEPTION.—The requirement to impose
9 sanctions under paragraph (1) shall not include the
10 authority to impose sanctions on the importation of
11 goods.

12 “(b) LIST OF PERSONS WHO ENGAGE IN DIVER-
13 SION.—

14 “(1) IN GENERAL.—As relevant information be-
15 comes available, the President shall submit to the
16 appropriate congressional committees a list of per-
17 sons that the President determines have, on or after
18 the date of the enactment of the Iran Freedom and
19 Counter-Proliferation Act of 2012, engaged in cor-
20 ruption or other activities relating to—

21 “(A) the diversion of goods, including agri-
22 cultural commodities, food, medicine, and med-
23 ical devices, intended for the people of Iran; or

24 “(B) the misappropriation of proceeds
25 from the sale or resale of such goods.

1 “(2) FORM OF REPORT; PUBLIC AVAIL-
2 ABILITY.—

3 “(A) FORM.—The list required by para-
4 graph (1) shall be submitted in unclassified
5 form but may contain a classified annex.

6 “(B) PUBLIC AVAILABILITY.—The unclas-
7 sified portion of the list required by paragraph
8 (1) shall be made available to the public and
9 posted on the websites of the Department of the
10 Treasury and the Department of State.

11 “(c) GOOD DEFINED.—In this section, the term
12 ‘good’ has the meaning given that term in section 1242(a)
13 of the Iran Freedom and Counter-Proliferation Act of
14 2012.”.

15 (b) WAIVER.—Section 401(b)(1) of the Comprehen-
16 sive Iran Sanctions, Accountability, and Divestment Act
17 of 2010 (22 U.S.C. 8551(b)(1)) is amended—

18 (1) by striking “or 105B(a)” and inserting
19 “105B(a), or 105C(a)”; and

20 (2) by striking “or 105B(b)” and inserting
21 “105B(b), or 105C(b)”.

22 (c) CLERICAL AMENDMENT.—The table of contents
23 for the Comprehensive Iran Sanctions, Accountability, and
24 Divestment Act of 2010 is amended by inserting after the
25 item relating to section 105B the following:

“Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.”.

1 **SEC. 1250. WAIVER REQUIREMENT RELATED TO EXCEP-**
2 **TIONAL CIRCUMSTANCES PREVENTING SIG-**
3 **NIFICANT REDUCTIONS IN CRUDE OIL PUR-**
4 **CHASES.**

5 Section 1245(d)(5)(B) of the National Defense Au-
6 thorization Act for Fiscal Year 2012 (22 U.S.C.
7 8513a(d)(5)(B)) is amended—

8 (1) in clause (i), by striking “; and” and insert-
9 ing a semicolon;

10 (2) by redesignating clause (ii) as clause (iii);
11 and

12 (3) by inserting after clause (i) the following
13 new clause:

14 “(ii) certifying that the country with
15 primary jurisdiction over the foreign finan-
16 cial institution otherwise subject to the
17 sanctions faced exceptional circumstances
18 that prevented the country from being able
19 to reduce significantly its purchases of pe-
20 troleum and petroleum products from Iran;
21 and”.

1 **SEC. 1251. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS**
2 **REGARDING TERRORIST ACTS.**

3 (a) IN GENERAL.—Section 2335 of title 18, United
4 States Code, is amended—

5 (1) in subsection (a), by striking “4 years” and
6 inserting “10 years”; and

7 (2) in subsection (b), by striking “4-year pe-
8 riod” and inserting “10-year period”.

9 (b) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to any civil action arising under
11 section 2333 of title 18, United States Code, that is pend-
12 ing on, or commenced on or after, the date of the enact-
13 ment of this Act.

14 (c) SPECIAL RULE RELATING TO CERTAIN ACTS OF
15 INTERNATIONAL TERRORISM.—Notwithstanding section
16 2335 of title 18, United States Code, as amended by sub-
17 section (a), a civil action under section 2333 of such title
18 resulting from an act of international terrorism that oc-
19 curred on or after September 11, 2001, and before the
20 date that is 4 years before the date of the enactment of
21 this Act, may be maintained if the civil action is com-
22 menced during the 6-year period beginning on such date
23 of enactment.

1 **SEC. 1252. REPORT ON USE OF CERTAIN IRANIAN SEA-**
2 **PORTS BY FOREIGN VESSELS AND USE OF**
3 **FOREIGN AIRPORTS BY SANCTIONED IRA-**
4 **NIAN AIR CARRIERS.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, and annually thereafter
7 through 2016, the President shall submit to the appro-
8 priate congressional committees a report that contains—

9 (1) a list of large or otherwise significant ves-
10 sels that have entered seaports in Iran controlled by
11 the Tidewater Middle East Company during the pe-
12 riod specified in subsection (b) and the owners and
13 operators of those vessels; and

14 (2) a list of all airports at which aircraft owned
15 or controlled by an Iranian air carrier on which
16 sanctions have been imposed by the United States
17 have landed during the period specified in subsection
18 (b).

19 (b) PERIOD SPECIFIED.—The period specified in this
20 subsection is—

21 (1) in the case of the first report submitted
22 under subsection (a), the 180-day period preceding
23 the submission of the report; and

24 (2) in the case of any subsequent report sub-
25 mitted under that subsection, the year preceding the
26 submission of the report.

1 (c) FORM OF REPORT.—Each report required by sub-
2 section (a) shall be submitted in unclassified form, but
3 may include a classified annex.

4 **SEC. 1253. IMPLEMENTATION; PENALTIES.**

5 (a) IMPLEMENTATION.—The President may exercise
6 all authorities provided under sections 203 and 205 of the
7 International Emergency Economic Powers Act (50
8 U.S.C. 1702 and 1704) to carry out this subtitle.

9 (b) PENALTIES.—The penalties provided for in sub-
10 sections (b) and (c) of section 206 of the International
11 Emergency Economic Powers Act (50 U.S. C. 1705) shall
12 apply to a person that violates, attempts to violate, con-
13 spires to violate, or causes a violation of this subtitle or
14 regulations prescribed under this subtitle to the same ex-
15 tent that such penalties apply to a person that commits
16 an unlawful act described in section 206(a) of that Act.

17 (c) APPLICATION OF CERTAIN PROVISIONS OF IRAN
18 SANCTIONS ACT OF 1996.—The following provisions of
19 the Iran Sanctions Act of 1996 (Public Law 104–172; 50
20 U.S.C. 1701 note) shall apply with respect to the imposi-
21 tion of sanctions under sections 1244(d), 1245(a), and
22 1246(a) to the same extent that such provisions apply with
23 respect to the imposition of sanctions under section 5(a)
24 of the Iran Sanctions Act of 1996, and, as appropriate,

1 instead of sections 1244(i), 1245(g), and 1246(e) of this
2 Act:

3 (1) Paragraphs (1)(A), (2)(A), and (2)(B)(i) of
4 section 4(c).

5 (2) Subsections (c), (d), and (f) of section 5.

6 (3) Section 8.

7 (4) Section 11.

8 (5) Section 12.

9 (6) Section 13(b).

10 **SEC. 1254. APPLICABILITY TO CERTAIN NATURAL GAS**
11 **PROJECTS.**

12 Nothing in this subtitle or the amendments made by
13 this subtitle shall apply with respect to any activity relat-
14 ing to a project described in subsection (a) of section 603
15 of the Iran Threat Reduction and Syria Human Rights
16 Act of 2012 (22 U.S.C. 8783) to which the exception
17 under that section applies at the time of the activity.

18 **SEC. 1255. RULE OF CONSTRUCTION.**

19 Nothing in this subtitle or the amendments made by
20 this subtitle shall be construed to limit sanctions imposed
21 with respect to Iran under any other provision of law or
22 to limit the authority of the President to impose additional
23 sanctions with respect to Iran.

1 **Subtitle E—Satellites and Related**
2 **Items**

3 **SEC. 1261. REMOVAL OF SATELLITES AND RELATED ITEMS**
4 **FROM THE UNITED STATES MUNITIONS LIST.**

5 (a) REPEAL.—

6 (1) IN GENERAL.—Section 1513 of the Strom
7 Thurmond National Defense Authorization Act for
8 Fiscal Year 1999 (Public Law 105–261; 112 Stat.
9 2174; 22 U.S.C. 2778 note) is amended by striking
10 subsection (a).

11 (2) CONFORMING AMENDMENT.—Subsection (c)
12 of such section is amended by striking “(1) Sub-
13 section (a)” and all that follows through “(2) The
14 amendments” and inserting “The amendments”.

15 (b) ADDITIONAL DETERMINATION AND REPORT.—
16 Accompanying but separate from the submission to Con-
17 gress of the first notification after the date of the enact-
18 ment of this Act under section 38(f) of the Arms Export
19 Control Act (22 U.S.C. 2778(f)) relating to the removal
20 of satellites and related items from the United States Mu-
21 nitions List, the President shall also submit to Congress—

22 (1) a determination by the President that the
23 removal of such satellites and items from the United
24 States Munitions List is in the national security in-
25 terests of the United States; and

1 (2) a report identifying and analyzing any dif-
2 ferences between—

3 (A) the recommendations and draft regula-
4 tions for controlling the export, re-export, and
5 transfer of such satellites and related items that
6 were submitted in the report to Congress re-
7 quired by section 1248 of the National Defense
8 Authorization Act for Fiscal Year 2010 (Public
9 Law 111–84; 123 Stat. 2546); and

10 (B) the final regulations under which the
11 export, re-export, and transfer of such satellites
12 and related items would continue to be con-
13 trolled.

14 (c) PROHIBITION.—

15 (1) IN GENERAL.—Subject to paragraph (3), no
16 satellites or related items that are made subject to
17 the Export Administration Regulations (15 CFR
18 part 730 et seq.) as a result of the enactment of
19 subsection (a) of this section, whether or not enu-
20 merated on the Commerce Control List—

21 (A) may be exported, re-exported, or trans-
22 ferred, directly or indirectly, to—

23 (i) any government of a country de-
24 scribed in paragraph (2); or

1 (ii) any entity or person in or acting
2 for or on behalf of such government, enti-
3 ty, or person; or

4 (B) may be launched in a country de-
5 scribed in paragraph (2) or as part of a launch
6 vehicle owned, operated, or manufactured by
7 the government of such country or any entity or
8 person in or acting for or on behalf of such gov-
9 ernment, entity, or person.

10 (2) COUNTRIES DESCRIBED.—The countries re-
11 ferred to in paragraph (1) are the following:

12 (A) The People's Republic of China.

13 (B) North Korea.

14 (C) Any country that is a state sponsor of
15 terrorism.

16 (3) WAIVER.—The President may waive the
17 prohibition in paragraph (1) on a case-by-case basis
18 if not later than 30 days before doing so the Presi-
19 dent—

20 (A) determines that it is in the national in-
21 terest of the United States to do so; and

22 (B) notifies the appropriate congressional
23 committees of such determination.

24 (d) PRESUMPTION OF DENIAL.—Any license or other
25 authorization to export satellites and related items to a

1 country with respect to which the United States maintains
2 a comprehensive arms embargo shall be subject to a pre-
3 sumption of denial.

4 (e) REPORT.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, and an-
7 nually thereafter, the Director of National Intel-
8 ligence, in consultation with the Secretary of State,
9 shall submit to the appropriate congressional com-
10 mittees a report on efforts of state sponsors of ter-
11 rorism, other foreign countries, or entities to illicitly
12 acquire satellites and related items.

13 (2) FORM.—The report required by paragraph
14 (1) shall be submitted in unclassified form, but may
15 contain a classified annex.

16 **SEC. 1262. REPORT ON LICENSES AND OTHER AUTHORIZA-**
17 **TIONS TO EXPORT CERTAIN SATELLITES AND**
18 **RELATED ITEMS.**

19 (a) IN GENERAL.—Not later than 60 days after the
20 end of each calendar year through 2020, the President
21 shall submit to the committees of Congress specified in
22 subsection (b) a report summarizing all licenses and other
23 authorizations to export satellites and related items that
24 are subject to the Export Administration Regulations (15

1 CFR part 730 et seq.) as a result of the enactment of
2 section 1261(a).

3 (b) COMMITTEES OF CONGRESS SPECIFIED.—The
4 committees of Congress specified in this subsection are—

5 (1) the Committee on Foreign Relations, the
6 Committee on Banking, Housing, and Urban Af-
7 fairs, and the Select Committee on Intelligence of
8 the Senate; and

9 (2) the Committee on Foreign Affairs and the
10 Permanent Select Committee on Intelligence of the
11 House of Representatives.

12 **SEC. 1263. REPORT ON COUNTRY EXEMPTIONS FOR LI-**
13 **CENSING OF EXPORTS OF CERTAIN SAT-**
14 **ELLITES AND RELATED ITEMS.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of the enactment of this Act, the Secretary of Com-
17 merce, in consultation with the Attorney General, the Sec-
18 retary of Homeland Security, and the heads of other Fed-
19 eral departments and agencies as appropriate, shall sub-
20 mit to the appropriate congressional committees a report
21 that contains an assessment of the extent to which the
22 terms and conditions of exemptions for foreign countries
23 to the licensing requirements and other authorizations to
24 export satellites and related items that are subject to the
25 Export Administration Regulations (15 CFR part 730 et

1 seq.) as a result of the enactment of section 1261(a) con-
2 tain strong safeguards.

3 (b) MATTERS TO BE INCLUDED.—The report re-
4 quired by subsection (a) shall include a description of the
5 extent to which the terms and conditions of exemptions
6 described in subsection (a), including other relevant laws,
7 regulations, and practices, support law enforcement ef-
8 forts to detect, prevent, and prosecute criminal, adminis-
9 trative, and other violations of any provision of the Export
10 Administration Regulations (15 CFR part 730 et seq.),
11 including efforts on the part of state sponsors of ter-
12 rorism, organizations determined by the Secretary of State
13 to have provided support for international terrorism, or
14 other foreign countries, to acquire illicitly satellites and
15 related items from the United States.

16 **SEC. 1264. END-USE MONITORING OF CERTAIN SATELLITES**
17 **AND RELATED ITEMS.**

18 (a) IN GENERAL.—In order to ensure accountability
19 with respect to the export of satellites and related items
20 that become subject to the Export Administration Regula-
21 tions (15 CFR part 730 et seq.) as a result of the enact-
22 ment of section 1261(a), the President shall provide for
23 the end-use monitoring of such satellites and related
24 items.

1 (b) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act, the Secretary of Commerce,
3 in consultation with the heads of other Federal depart-
4 ments and agencies as appropriate, shall submit to Con-
5 gress a report describing the actions taken to implement
6 this section, including identification of resource shortfalls
7 or other constraints on effective end-use monitoring of sat-
8 ellites and related items described in subsection (a).

9 **SEC. 1265. INTERAGENCY REVIEW OF MODIFICATIONS TO**
10 **CATEGORY XV OF THE UNITED STATES MUNI-**
11 **TIONS LIST.**

12 (a) IN GENERAL.—Subject to section 38(f) of the
13 Arms Export Control Act (22 U.S.C. 2778(f)), the Presi-
14 dent shall ensure that the Secretary of State, the Sec-
15 retary of Defense, the Secretary of Commerce and, as ap-
16 propriate, the Director of National Intelligence and the
17 heads of other appropriate Federal departments and agen-
18 cies, will review any removal or addition of an item to Cat-
19 egory XV of the United States Munitions List (relating
20 to spacecraft systems and associated equipment).

21 (b) EFFECTIVE DATE.—The requirement of sub-
22 section (a) shall apply with respect to any item described
23 in subsection (a) that is proposed to be removed or added
24 to Category XV of the United States Munitions List on
25 or after the date of the enactment of this Act.

1 **SEC. 1266. RULES OF CONSTRUCTION.**

2 (a) IN GENERAL.—Subtitle B of title XV of the
3 Strom Thurmond National Defense Authorization Act for
4 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2173;
5 22 U.S.C. 2778 note) shall continue to apply to satellites
6 and related items that are subject to the Export Adminis-
7 tration Regulations (15 CFR part 730 et seq.) as a result
8 of the enactment of section 1261(a).

9 (b) ADDITIONAL RULE.—Nothing in this subtitle or
10 any amendment made by this subtitle shall be construed
11 as removing or limiting the authorities of the President
12 under subsection (a) or (b) of section 1514 of the Strom
13 Thurmond National Defense Authorization Act for Fiscal
14 Year 1999 (Public Law 105–261; 112 Stat. 2175; 22
15 U.S.C. 2778 note) with respect to defense articles and de-
16 fense services that remain subject to the jurisdiction of
17 the International Traffic in Arms Regulations.

18 **SEC. 1267. DEFINITIONS.**

19 In this subtitle:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Foreign Relations,
24 the Committee on Banking, Housing, and
25 Urban Affairs, the Committee on Armed Serv-

1 ices, and the Select Committee on Intelligence
2 of the Senate; and

3 (B) the Committee on Foreign Affairs, the
4 Committee on Armed Services, and the Perma-
5 nent Select Committee on Intelligence of the
6 House of Representatives.

7 (2) STATE SPONSOR OF TERRORISM.—The term
8 “state sponsor of terrorism” means any country the
9 government of which the Secretary of State has de-
10 termined has repeatedly provided support for inter-
11 national terrorism pursuant to—

12 (A) section 6(j) of the Export Administra-
13 tion Act of 1979 (50 U.S.C. App. 2405) (as
14 continued in effect under the International
15 Emergency Economic Powers Act);

16 (B) section 620A of the Foreign Assistance
17 Act of 1961 (22 U.S.C. 2371);

18 (C) section 40 of the Arms Export Control
19 Act (22 U.S.C. 2780); or

20 (D) any other provision of law.

21 (3) UNITED STATES MUNITIONS LIST.—The
22 term “United States Munitions List” means the list
23 referred to in section 38(a)(1) of the Arms Export
24 Control Act (22 U.S.C. 2778(a)(1)).

1 **Subtitle F—Other Matters**
2 **SEC. 1271. ADDITIONAL ELEMENTS IN ANNUAL REPORT ON**
3 **MILITARY AND SECURITY DEVELOPMENTS**
4 **INVOLVING THE PEOPLE’S REPUBLIC OF**
5 **CHINA.**

6 Section 1202(b) of the National Defense Authoriza-
7 tion Act for Fiscal Year 2000 (Public Law 106–65; 10
8 U.S.C. 113 note) is amended—

9 (1) by amending paragraph (9) to read as fol-
10 lows:

11 “(9) Developments in China’s asymmetric capa-
12 bilities, including its strategy and efforts to develop
13 and deploy cyberwarfare and electronic warfare ca-
14 pabilities, details on the number of malicious cyber
15 incidents originating from China against Depart-
16 ment of Defense infrastructure, and associated ac-
17 tivities originating or suspected of originating from
18 China.”;

19 (2) by redesignating paragraphs (10), (11), and
20 (12) as paragraphs (15), (16), and (17) respectively;

21 (3) by inserting after paragraph (9) the fol-
22 lowing new paragraphs:

23 “(10) The strategy and capabilities of Chinese
24 space and counterspace programs, including trends,
25 global and regional activities, the involvement of

1 military and civilian organizations, including state-
2 owned enterprises, academic institutions, and com-
3 mercial entities, and efforts to develop, acquire, or
4 gain access to advanced technologies that would en-
5 hance Chinese military capabilities.

6 “(11) Developments in China’s nuclear pro-
7 gram, including the size and state of China’s stock-
8 pile, its nuclear strategy and associated doctrines, its
9 civil and military production capacities, and projec-
10 tions of its future arsenals.

11 “(12) A description of China’s anti-access and
12 area denial capabilities.

13 “(13) A description of China’s command, con-
14 trol, communications, computers, intelligence, sur-
15 veillance, and reconnaissance modernization program
16 and its applications for China’s precision guided
17 weapons.

18 “(14) A description of the roles and activities of
19 the People’s Liberation Army Navy and those of
20 China’s paramilitary and maritime law enforcement
21 vessels, including their response to United States
22 naval activities.”; and

23 (4) by adding after paragraph (17), as redesign-
24 nated by paragraph (2) of this section, the following
25 new paragraphs:

1 “(18) A description of Chinese military-to-mili-
2 tary relationships with other countries, including the
3 size and activity of military attache offices around
4 the world and military education programs con-
5 ducted in China for other countries or in other coun-
6 tries for the Chinese.

7 “(19) A description of any significant sale or
8 transfer of military hardware, expertise, and tech-
9 nology to or from the People’s Republic of China, in-
10 cluding a forecast of possible future sales and trans-
11 fers, a description of the implications of those sales
12 and transfers for the security of the United States
13 and its partners and allies in Asia, and a description
14 of any significant assistance to and from any selling
15 state with military-related research and development
16 programs in China.”.

17 **SEC. 1272. NATO SPECIAL OPERATIONS HEADQUARTERS.**

18 (a) IN GENERAL.—Subsection (a) of section 1244 of
19 the National Defense Authorization Act for Fiscal Year
20 2010 (Public Law 111–84; 123 Stat. 2541), as amended
21 by section 1242 of the Ike Skelton National Defense Au-
22 thorization Act for Fiscal Year 2011 (Public Law 111–
23 383; 124 Stat. 4405), is further amended—

24 (1) by striking “fiscal year 2011” and inserting
25 “each of fiscal years 2013, 2014, and 2015”;

1 (2) by striking “section 301(1)” and inserting
2 “section 301”; and

3 (3) by inserting “for such fiscal year” after
4 “\$50,000,000”.

5 (b) ANNUAL REPORT.—Such section, as so amended,
6 is further amended by adding at the end the following:

7 “(d) ANNUAL REPORT.—Not later than March 1 of
8 each year, the Secretary of Defense shall submit to the
9 congressional defense committees a report regarding sup-
10 port for the NSHQ. Each report shall include the fol-
11 lowing:

12 “(1) The total amount of funding provided by
13 the United States and other NATO nations to the
14 NSHQ for operating costs of the NSHQ.

15 “(2) A description of the activities carried out
16 with such funding, including—

17 “(A) the amount of funding allocated for
18 each such activity;

19 “(B) the extent to which other NATO na-
20 tions participate in each such activity;

21 “(C) the extent to which each such activity
22 is designed to meet the purposes set forth in
23 paragraphs (1) through (5) of subsection (b);
24 and

1 “(D) an assessment of the extent to which
2 each such activity will promote the mission of
3 the NSHQ.

4 “(3) Other contributions, financial or in kind,
5 provided by the United States and other NATO na-
6 tions in support of the NSHQ.

7 “(4) Any other matters that the Secretary of
8 Defense considers appropriate.”.

9 **SEC. 1273. SUSTAINABILITY REQUIREMENTS FOR CERTAIN**
10 **CAPITAL PROJECTS IN CONNECTION WITH**
11 **OVERSEAS CONTINGENCY OPERATIONS.**

12 (a) LIMITATION.—

13 (1) IN GENERAL.—Commencing 60 days after
14 the date of the enactment of this Act—

15 (A) amounts authorized to be appropriated
16 for the Department of Defense may not be obli-
17 gated or expended for a capital project de-
18 scribed in subsection (b) unless the Secretary of
19 Defense, in consultation with the United States
20 commander of military operations in the coun-
21 try in which the project will be carried out,
22 completes an assessment on the necessity and
23 sustainability of the project;

24 (B) amounts authorized to be appropriated
25 for the Department of State may not be obli-

1 gated or expended for a capital project de-
2 scribed in subsection (b) unless the Secretary of
3 State, in consultation with the Chief of Mission
4 in the country in which the project will be car-
5 ried out, completes an assessment on the neces-
6 sity and sustainability of the project; and

7 (C) amounts authorized to be appropriated
8 for the United States Agency for International
9 Development may not be obligated or expended
10 for a capital project described in subsection (b)
11 unless the Administrator of the United States
12 Agency for International Development, in con-
13 sultation with the Mission Director and the
14 Chief of Mission in the country in which the
15 project will be carried out, completes an assess-
16 ment on the necessity and sustainability of the
17 project.

18 (2) ELEMENTS.—Each assessment on a capital
19 project under this subsection shall include, but not
20 be limited to, the following:

21 (A) An estimate of the total cost of the
22 completed project to the United States.

23 (B) An estimate of the financial and other
24 requirements necessary for the host government

1 to sustain the project on an annual basis after
2 completion of the project.

3 (C) An assessment whether the host gov-
4 ernment has the capacity (in both financial and
5 human resources) to maintain and use the
6 project after completion.

7 (D) A description of any arrangements for
8 the sustainment of the project following its
9 completion if the host government lacks the ca-
10 pacity (in financial or human resources) to
11 maintain the project.

12 (E) An assessment whether the host gov-
13 ernment has requested or expressed its need for
14 the project, and an explanation of the decision
15 to proceed with the project absent such request
16 or need.

17 (F) An assessment by the Secretary of De-
18 fense, where applicable, of the effect of the
19 project on the military mission of the United
20 States in the country concerned.

21 (b) COVERED CAPITAL PROJECTS.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), a capital project described in this sub-
24 section is any capital project overseas for an over-
25 seas contingency operation for the benefit of a host

1 country and funded by the Department of Defense,
2 the Department of State, or the United States Agen-
3 cy for International Development, as applicable, if
4 the capital project—

5 (A) in the case of a project that directly
6 supports building the capacity of indigenous se-
7 curity forces in the host country, has an esti-
8 mated value in excess of \$10,000,000;

9 (B) in the case of any project not covered
10 by subparagraph (A) that is to be funded by
11 the Department of State or the United States
12 Agency for International Development, has an
13 estimated value in excess of \$5,000,000; or

14 (C) in the case of any other project, has an
15 estimated value in excess of \$2,000,000.

16 (2) EXCLUSION.—A capital project described in
17 this subsection does not include any project for mili-
18 tary construction (as that term is defined in section
19 114(b) of title 10, United States Code) or a military
20 family housing project under section 2821 of such
21 title.

22 (c) WAIVER.—The Secretary of Defense, the Sec-
23 retary of State, or the Administrator of the United States
24 Agency for International Development, as applicable, may
25 waive the limitation in subsection (a) in order to initiate

1 a capital project if such Secretary or the Administrator,
2 as the case may be, determines that the project is in the
3 national security, diplomatic, or humanitarian interests of
4 the United States. In the first report submitted under sub-
5 section (d) after any waiver under this subsection, such
6 Secretary or the Administrator shall include a detailed jus-
7 tification of such waiver. Not later than 90 days after
8 issuing a waiver under this subsection, such Secretary or
9 the Administrator shall submit to the appropriate commit-
10 tees of Congress the assessment described in subsection
11 (a) with respect to the capital project concerned.

12 (d) SEMI-ANNUAL REPORTS.—

13 (1) IN GENERAL.—Not later than 30 days after
14 the end of any fiscal-year half-year in which the Sec-
15 retary of Defense, the Secretary of State, or the Ad-
16 ministrator of the United States Agency for Inter-
17 national Development conducts an assessment under
18 subsection (a), such Secretary or the Administrator,
19 as the case may be, shall submit to the appropriate
20 committees of Congress a report setting forth each
21 assessment so conducted during such fiscal-year
22 half-year, including the elements of each capital
23 project so assessed specified in subsection (a)(2).

24 (2) ADDITIONAL ELEMENTS.—In addition to
25 the matters provided for in paragraph (1), each re-

1 port under that paragraph shall include the fol-
2 lowing:

3 (A) For each capital project covered by
4 such report, an evaluation (other than by
5 amount of funds expended) of the effectiveness
6 of such project, including, at a minimum, the
7 following:

8 (i) The stated goals of the project.

9 (ii) The actions taken to assess and
10 verify whether the project has met the
11 stated goals of the project or is on track
12 to meet such goals when completed.

13 (iii) The current and anticipated levels
14 of involvement of local governments, com-
15 munities, and individuals in the project.

16 (B) For each country or region in which a
17 capital project covered by such report is being
18 carried out, an assessment of the current and
19 anticipated risks of corruption or fraud in con-
20 nection with such project.

21 (3) FORM.—Each report shall be submitted in
22 unclassified form, but may include a classified
23 annex.

24 (e) DEFINITIONS.—In this section:

1 (1) The term “appropriate committees of Con-
2 gress” means—

3 (A) the Committee on Armed Services, the
4 Committee on Foreign Relations, the Com-
5 mittee on Homeland Security and Govern-
6 mental Affairs, and the Committee on Appro-
7 priations of the Senate; and

8 (B) the Committee on Armed Services, the
9 Committee on Foreign Affairs, the Committee
10 on Oversight and Government Reform, and the
11 Committee on Appropriations of the House of
12 Representatives.

13 (2) The term “capital project” has the meaning
14 given that term in section 308 of the Aid, Trade,
15 and Competitiveness Act of 1992 (22 U.S.C. 2421e).

16 (3) The term “overseas contingency operation”
17 means a military operation outside the United
18 States and its territories and possessions that is a
19 contingency operation (as that term is defined in
20 section 101(a)(13) of title 10, United States Code).

21 **SEC. 1274. ADMINISTRATION OF THE AMERICAN, BRITISH,**
22 **CANADIAN, AND AUSTRALIAN ARMIES’ PRO-**
23 **GRAM.**

24 (a) **AUTHORITY.**—As part of the participation by the
25 United States in the land-force program known as the

1 American, British, Canadian, and Australian Armies' Pro-
2 gram (in this section referred to as the "Program"), the
3 Secretary of Defense may, with the concurrence of the
4 Secretary of State, enter into agreements with the other
5 participating countries in accordance with this section,
6 and the Program shall be managed pursuant to a joint
7 agreement among the participating countries.

8 (b) PARTICIPATING COUNTRIES.—In addition to the
9 United States, the countries participating in the Program
10 are the following:

- 11 (1) Australia.
- 12 (2) Canada.
- 13 (3) New Zealand.
- 14 (4) The United Kingdom.

15 (c) CONTRIBUTIONS BY PARTICIPANTS.—

16 (1) IN GENERAL.—An agreement under sub-
17 section (a) shall provide that each participating
18 country shall contribute to the Program—

19 (A) its equitable share of the full cost for
20 the Program, including the full cost of overhead
21 and administrative costs related to the Pro-
22 gram; and

23 (B) any amount allocated to it in accord-
24 ance with the agreement for the cost for mone-
25 tary claims asserted against any participating

1 country as a result of participation in the Pro-
2 gram.

3 (2) ADDITIONAL AUTHORIZED CONTRIBU-
4 TION.—Such an agreement shall also provide that
5 each participating country (including the United
6 States) may provide its contribution for its equitable
7 share under the agreement in funds, in personal
8 property, or in services required for the Program (or
9 in any combination thereof).

10 (3) FUNDING FOR UNITED STATES CONTRIBU-
11 TION.—Any contribution by the United States to the
12 Program that is provided in funds shall be made
13 from funds available to the Department of Defense
14 for operation and maintenance.

15 (4) TREATMENT OF CONTRIBUTIONS RECEIVED
16 FROM OTHER COUNTRIES.—Any contribution re-
17 ceived by the United States from another partici-
18 pating country to meet that country's share of the
19 costs of the Program shall be credited to appropria-
20 tions available to the Department of Defense, as de-
21 termined by the Secretary of Defense. The amount
22 of a contribution credited to an appropriation ac-
23 count in connection with the Program shall be avail-
24 able only for payment of the share of the Program
25 expenses allocated to the participating country mak-

1 ing the contribution. Amounts so credited shall be
2 available for the following purposes:

3 (A) Payments to contractors and other
4 suppliers (including the Department of Defense
5 and participating countries acting as suppliers)
6 for necessary goods and services of the Pro-
7 gram.

8 (B) Payments for any damages and costs
9 resulting from the performance or cancellation
10 of any contract or other obligation in support of
11 the Program.

12 (C) Payments for any monetary claim
13 against a participating country as a result of
14 the participation of that country in the Pro-
15 gram.

16 (D) Payments or reimbursements of other
17 Program expenses, including overhead and ad-
18 ministrative costs for any administrative office
19 for the Program.

20 (E) Refunds to other participating coun-
21 tries.

22 (5) COSTS OF OPERATION OF OFFICES ESTAB-
23 LISHED FOR PROGRAM.—Costs for the operation of
24 any office established to carry out the Program shall
25 be borne jointly by the participating countries as

1 provided for in an agreement referred to in sub-
2 section (a).

3 (d) AUTHORITY TO CONTRACT FOR PROGRAM AC-
4 TIVITIES.—As part of the participation by the United
5 States in the Program, the Secretary of Defense may
6 enter into contracts or incur other obligations on behalf
7 of the other participating countries for activities under the
8 Program. Any payment for such a contract or other obli-
9 gation under this subsection may be paid only from con-
10 tributions credited to an appropriation under subsection
11 (c)(4).

12 (e) DISPOSAL OF PROPERTY.—As part of the partici-
13 pation by the United States in the Program, the Secretary
14 of Defense may, with respect to any property that is joint-
15 ly acquired by the countries participating in the Program,
16 agree to the disposal of the property without regard to
17 any law of the United States that is otherwise applicable
18 to the disposal of property owned by the United States.
19 Such disposal may include the transfer of the interest of
20 the United States in the property to one or more of the
21 other participating countries or the sale of the property.
22 Reimbursement for the value of the property disposed of
23 (including the value of the interest of the United States
24 in the property) shall be made in accordance with an
25 agreement under subsection (a).

1 (f) REPORTS.—Not later than 60 days before the ex-
2 piration date of any agreement under subsection (a), the
3 Secretary of Defense shall submit to the Committees on
4 Armed Services of the Senate and the House of Represent-
5 atives a report on the activities, costs, and accomplish-
6 ments of the Program during the five-year period ending
7 on the date of such report.

8 (g) SUNSET.—Any agreement entered into by the
9 United States with another country under subsection (a),
10 and United States participation in the joint agreement de-
11 scribed in that subsection, shall expire not later than five
12 years after the date of the enactment of this Act.

13 **SEC. 1275. UNITED STATES PARTICIPATION IN HEAD-**
14 **QUARTERS EUROCORPS.**

15 (a) PARTICIPATION AUTHORIZED.—The Secretary of
16 Defense may, with the concurrence of the Secretary of
17 State, authorize the participation of members of the
18 Armed Forces as members of the staff of Headquarters
19 Eurocorps for the purpose of supporting the North Atlan-
20 tic Treaty Organization (NATO) activities of the NATO
21 Rapid Deployable Corps Eurocorps.

22 (b) MEMORANDUM OF UNDERSTANDING.—

23 (1) REQUIREMENT.—The participation of mem-
24 bers of the Armed Forces as members of the staff
25 of Headquarters Eurocorps shall be in accordance

1 with the terms of one or more memoranda of under-
2 standing entered into by the Secretary of Defense,
3 with the concurrence of the Secretary of State, and
4 Headquarters Eurocorps.

5 (2) COST-SHARING ARRANGEMENTS.—If De-
6 partment of Defense facilities, equipment, or funds
7 are used to support Headquarters Eurocorps, the
8 memoranda of understanding under paragraph (1)
9 shall provide details of any cost-sharing arrangement
10 or other funding arrangement.

11 (c) LIMITATION ON NUMBER OF MEMBERS PARTICI-
12 PATING AS STAFF.—Not more than two members of the
13 Armed Forces may participate as members of the staff
14 of Headquarters Eurocorps, until the Secretary of Defense
15 submits to the Committees on Armed Services of the Sen-
16 ate and the House of Representatives a report setting
17 forth the following:

18 (1) A certification by the Secretary of Defense
19 that the participation of more than two members of
20 the Armed Forces in Headquarters Eurocorps is in
21 the national interests of the United States.

22 (2) A description of the benefits of the partici-
23 pation of the additional members proposed by the
24 Secretary.

1 (3) A description of the plans for the participa-
2 tion of the additional members proposed by the Sec-
3 retary, including the grades and posts to be filled.

4 (4) A description of the costs associated with
5 the participation of the additional members proposed
6 by the Secretary.

7 (d) NOTICE ON PARTICIPATION OF NUMBER OF
8 MEMBERS ABOVE CERTAIN CEILING.—Not more than 10
9 members of the Armed Forces may participate as mem-
10 bers of the staff of Headquarters Eurocorps unless the
11 Secretary of Defense submits to the Committees on Armed
12 Services of the Senate and the House of Representatives
13 a notice that the number of members so participating will
14 exceed 10 members.

15 (e) AVAILABILITY OF APPROPRIATED FUNDS.—

16 (1) AVAILABILITY.—Funds appropriated to the
17 Department of Defense for operation and mainte-
18 nance are available as follows:

19 (A) To pay the United States' share of the
20 operating expenses of Headquarters Eurocorps.

21 (B) To pay the costs of the participation
22 of members of the Armed Forces participating
23 as members of the staff of Headquarters
24 Eurocorps, including the costs of expenses of
25 such participants.

1 (2) LIMITATION.—No funds may be used under
2 this section to fund the pay or salaries of members
3 of the Armed Forces who participate as members of
4 the staff of the Headquarters, North Atlantic Treaty
5 Organization (NATO) Rapid Deployable Corps
6 under this section.

7 (f) HEADQUARTERS EUROCORPS DEFINED.—In this
8 section, the term “Headquarters Eurocorps” refers to the
9 multinational military headquarters, established on Octo-
10 ber 1, 1993, which is one of the High Readiness Forces
11 (Land) associated with the Allied Rapid Reaction Corps
12 of NATO.

13 **SEC. 1276. DEPARTMENT OF DEFENSE PARTICIPATION IN**
14 **EUROPEAN PROGRAM ON MULTILATERAL EX-**
15 **CHANGE OF AIR TRANSPORTATION AND AIR**
16 **REFUELING SERVICES.**

17 (a) PARTICIPATION AUTHORIZED.—

18 (1) IN GENERAL.—The Secretary of Defense
19 may, with the concurrence of the Secretary of State,
20 authorize the participation of the United States in
21 the Air Transport, Air-to-Air Refueling and other
22 Exchanges of Services program (in this section re-
23 ferred to as the “ATARES program”) of the Move-
24 ment Coordination Centre Europe.

1 (2) SCOPE OF PARTICIPATION.—Participation
2 in the ATARES program under paragraph (1) shall
3 be limited to the reciprocal exchange or transfer of
4 air transportation and air refueling services on a re-
5 imbursable basis or by replacement-in-kind or the
6 exchange of air transportation or air refueling serv-
7 ices of an equal value.

8 (3) LIMITATIONS.—The United States' balance
9 of executed flight hours, whether as credits or deb-
10 its, in participation in the ATARES program under
11 paragraph (1) may not exceed 500 hours. The
12 United States' balance of executed flight hours for
13 air refueling in the ATARES program under para-
14 graph (1) may not exceed 200 hours.

15 (b) WRITTEN ARRANGEMENT OR AGREEMENT.—

16 (1) ARRANGEMENT OR AGREEMENT RE-
17 QUIRED.—The participation of the United States in
18 the ATARES program under subsection (a) shall be
19 in accordance with a written arrangement or agree-
20 ment entered into by the Secretary of Defense, with
21 the concurrence of the Secretary of State, and the
22 Movement Coordination Centre Europe.

23 (2) FUNDING ARRANGEMENTS.—If Department
24 of Defense facilities, equipment, or funds are used to
25 support the ATARES program, the written arrange-

1 ment or agreement under paragraph (1) shall specify
2 the details of any equitable cost sharing or other
3 funding arrangement.

4 (3) OTHER ELEMENTS.—Any written arrange-
5 ment or agreement entered into under paragraph (1)
6 shall require that any accrued credits and liabilities
7 resulting from an unequal exchange or transfer of
8 air transportation or air refueling services shall be
9 liquidated, not less than once every five years,
10 through the ATARES program.

11 (c) IMPLEMENTATION.—In carrying out any written
12 arrangement or agreement entered into under subsection
13 (b), the Secretary of Defense may—

14 (1) pay the United States' equitable share of
15 the operating expenses of the Movement Coordina-
16 tion Centre Europe and the ATARES consortium
17 from funds available to the Department of Defense
18 for operation and maintenance; and

19 (2) assign members of the Armed Forces or De-
20 partment of Defense civilian personnel, from among
21 members and personnel within billets authorized for
22 the United States European Command, to duty at
23 the Movement Coordination Centre Europe as nec-
24 essary to fulfill the United States' obligations under
25 that arrangement or agreement.

1 (d) CREDITING OF RECEIPTS.—Any amount received
2 by the United States in carrying out a written arrange-
3 ment or agreement entered into under subsection (b) shall
4 be credited, as elected by the Secretary of Defense, to the
5 following:

6 (1) The appropriation, fund, or account used in
7 incurring the obligation for which such amount is re-
8 ceived.

9 (2) An appropriation, fund, or account cur-
10 rently available for the purposes for which such obli-
11 gation was made.

12 (e) ANNUAL SECRETARY OF DEFENSE REPORTS.—
13 Not later than 30 days after the end of each fiscal year
14 in which the authority provided by this section is in effect,
15 the Secretary of Defense shall submit to the congressional
16 defense committees a report on United States participa-
17 tion in the ATARES program during such fiscal year.
18 Each report shall include the following:

19 (1) The United States balance of executed
20 flight hours at the end of the fiscal year covered by
21 such report.

22 (2) The types of services exchanged or trans-
23 ferred during the fiscal year covered by such report.

24 (3) A description of any United States costs
25 under the written arrangement or agreement under

1 subsection (b)(1) in connection with the use of De-
2 partment of Defense facilities, equipment, or funds
3 to support the ATARES program under that sub-
4 section as provided by subsection (b)(2).

5 (4) A description of the United States' equi-
6 table share of the operating expenses of the Move-
7 ment Coordination Centre Europe and the ATARES
8 consortium paid under subsection (c)(1).

9 (5) A description of any amounts received by
10 the United States in carrying out a written arrange-
11 ment or agreement entered into under subsection
12 (b).

13 (f) COMPTROLLER GENERAL OF UNITED STATES
14 REPORT.—Not later than one year after the date of the
15 enactment of this Act, the Comptroller General of the
16 United States shall submit to the congressional defense
17 committees a report on the ATARES program. The report
18 shall set forth the assessment of the Comptroller General
19 of the program, including the types of services available
20 under the program, whether the program is achieving its
21 intended purposes, and, on the basis of actual cost data
22 from the performance of the program, the cost-effective-
23 ness of the program.

24 (g) EXPIRATION.—The authority provided by this
25 section to participate in the ATARES program shall ex-

1 pire five years after the date on which the Secretary of
2 Defense first enters into a written arrangement or agree-
3 ment under subsection (b). The Secretary shall publish no-
4 tice of such date on a public website of the Department
5 of Defense.

6 **SEC. 1277. PROHIBITION ON USE OF FUNDS TO ENTER INTO**
7 **CONTRACTS OR AGREEMENTS WITH**
8 **ROSOBORONEXPORT.**

9 (a) PROHIBITION.—None of the funds authorized to
10 be appropriated by this Act may be used to enter into a
11 contract, memorandum of understanding, or cooperative
12 agreement with, to make a grant to, or to provide a loan
13 or loan guarantee to Rosoboronexport.

14 (b) NATIONAL SECURITY WAIVER AUTHORITY.—The
15 Secretary of Defense may waive the applicability of sub-
16 section (a) if the Secretary determines that such a waiver
17 is in the national security interests of the United States.

18 **SEC. 1278. SENSE OF CONGRESS ON IRON DOME SHORT-**
19 **RANGE ROCKET DEFENSE SYSTEM.**

20 Congress—

21 (1) reaffirms its commitment to the security of
22 our ally and strategic partner, Israel;

23 (2) fully supports Israel's right to defend itself
24 against acts of terrorism;

1 (3) sympathizes with the families of Israelis
2 who have come under the indiscriminate rocket fire
3 from Hamas-controlled Gaza;

4 (4) recognizes the exceptional success of the
5 Iron Dome short-range rocket defense system in de-
6 fending the population of Israel;

7 (5) desires to help ensure that Israel has the
8 means to defend itself against terrorist attacks, in-
9 cluding through the procurement of additional Iron
10 Dome batteries and interceptors; and

11 (6) urges the Department of Defense and the
12 Department of State to explore with their Israeli
13 counterparts and alert Congress of any requirements
14 the Israeli Defense Force may have for additional
15 Iron Dome batteries, interceptors, or other equip-
16 ment depleted during the recent conflict with
17 Hamas-controlled Gaza.

18 **SEC. 1279. BILATERAL DEFENSE TRADE RELATIONSHIP**

19 **WITH INDIA.**

20 (a) REPORT.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall, in coordination with the Sec-
24 retary of State, submit to the appropriate commit-
25 tees of Congress a report on the prospects for ex-

1 panding defense trade between the United States
2 and India within the context of their bilateral de-
3 fense relationship.

4 (2) ELEMENTS.—The report required by para-
5 graph (1) shall include the following:

6 (A) An assessment of the policies of the
7 United States for enhancing cooperation and
8 coordination between the Government of the
9 United States and the Government of India on
10 matters of shared security interests.

11 (B) A description of the policies of the
12 United States for expanding defense trade with
13 India.

14 (C) An assessment of the opportunities
15 and challenges for expanding security ties be-
16 tween the United States and India, including
17 those opportunities and challenges associated
18 with defense trade relations.

19 (D) The findings and conclusions of the
20 comprehensive policy review required by sub-
21 section (b).

22 (b) COMPREHENSIVE POLICY REVIEW.—The Sec-
23 retary of Defense shall, in coordination with the Secretary
24 of State, conduct a comprehensive policy review—

1 “(c) DUTIES AND RESPONSIBILITIES.—The Commis-
2 sion shall appraise United States Government activities in-
3 tended to understand, inform, and influence foreign
4 publics. The activities described in this subsection shall
5 be referred to in this section as ‘public diplomacy activi-
6 ties’.”.

7 (c) REPORTS.—Section 604(d) of such Act is amend-
8 ed to read as follows:

9 “(d) REPORTS.—

10 “(1) COMPREHENSIVE ANNUAL REPORT.—

11 “(A) IN GENERAL.—Not less frequently
12 than annually, the Commission shall submit a
13 comprehensive report on public diplomacy and
14 international broadcasting activities to Con-
15 gress, the President, and the Secretary of
16 State. This report shall include—

17 “(i) a detailed list of all public diplo-
18 macy activities funded by the United
19 States Government;

20 “(ii) a description of—

21 “(I) the purpose, means, and ge-
22 ographic scope of each activity;

23 “(II) when each activity was
24 started;

1 “(III) the amount of Federal
2 funding expended on each activity;

3 “(IV) any significant outside
4 sources of funding; and

5 “(V) the Federal department or
6 agency to which the activity belongs;

7 “(iii) the international broadcasting
8 activities under the direction of the Broad-
9 casting Board of Governors;

10 “(iv) an assessment of potentially du-
11 plicative public diplomacy and inter-
12 national broadcasting activities; and

13 “(v) for any activities determined to
14 be ineffective or results not demonstrated
15 under subparagraph (B), recommendations
16 on existing effective or moderately effective
17 public diplomacy activities that could be
18 augmented to carry out the objectives of
19 the ineffective activities.

20 “(B) EFFECTIVENESS ASSESSMENT.—In
21 evaluating the public diplomacy and inter-
22 national broadcasting activities described in
23 subparagraph (A), the Commission shall con-
24 duct an assessment that considers the public di-
25 plomacy target impact, the achieved impact,

1 and the cost of public diplomacy activities and
2 international broadcasting. The assessment
3 shall include, if practicable, an appropriate met-
4 ric such as ‘cost-per-audience’ or ‘cost-per-stu-
5 dent’ for each activity. Upon the completion of
6 the assessment, the Commission shall assign a
7 rating of—

8 “(i) ‘effective’ for activities that—

9 “(I) set appropriate goals and
10 achieve all or most of the desired re-
11 sults;

12 “(II) are well-managed; and

13 “(III) are cost efficient;

14 “(ii) ‘moderately effective’ for activi-
15 ties that—

16 “(I) set appropriate goals and
17 achieve some desired results;

18 “(II) are generally well-managed;

19 and

20 “(III) need to improve their cost
21 efficiency, including reducing over-
22 head;

23 “(iii) ‘ineffective’ for activities that—

1 “(I) lack appropriate goals or fail
2 to achieve stated goals or desired re-
3 sults;

4 “(II) are not well-managed; or

5 “(III) are not cost efficient, such
6 as through insufficient use of avail-
7 able resources to achieve stated goals
8 or desired results, or have excessive
9 overhead; and

10 “(iv) ‘results not demonstrated’ for
11 activities that—

12 “(I) do not have acceptable per-
13 formance public diplomacy metrics for
14 measuring results; or

15 “(II) are unable or failed to col-
16 lect data to determine if they are ef-
17 fective.

18 “(2) OTHER REPORTS.—

19 “(A) IN GENERAL.—The Commission shall
20 submit other reports, including working papers,
21 to Congress, the President, and the Secretary
22 of State at least semi-annually on other activi-
23 ties and policies related to United States public
24 diplomacy.

1 “(B) AVAILABILITY.—The Commission
2 shall make the reports submitted pursuant to
3 subparagraph (A) publicly available on the
4 website of the Commission to develop a better
5 understanding of, and support for, public diplo-
6 macy activities.

7 “(3) ACCESS TO INFORMATION.—The Secretary
8 of State shall ensure that the Commission has access
9 to all appropriate information to carry out its duties
10 and responsibilities under this subsection.”.

11 (d) REAUTHORIZATION.—

12 (1) IN GENERAL.—Section 1334 of the Foreign
13 Affairs Reform and Restructuring Act of 1998 (22
14 U.S.C. 6553) is amended by striking “October 1,
15 2010” and inserting “October 1, 2015”.

16 (2) RETROACTIVITY OF EFFECTIVE DATE.—The
17 amendment made by paragraph (1) shall take effect
18 on October 1, 2010.

19 (e) FUNDING.—There is authorized to be appro-
20 priated such sums as may be necessary for the United
21 States Advisory Commission on Public Diplomacy to carry
22 out section 604 of the United States Information and
23 Educational Exchange Act of 1948 (22 U.S.C. 1469), as
24 amended by this section.

1 **SEC. 1281. SENSE OF CONGRESS ON SALE OF AIRCRAFT TO**
2 **TAIWAN.**

3 It is the sense of Congress that—

4 (1) the Taiwan Relations Act (Public Law 96–
5 8) codified the basis for commercial, cultural, and
6 other relations between the people of the United
7 States and the people of Taiwan;

8 (2) the Taiwan Relations Act states that “the
9 United States will make available to Taiwan such
10 defense articles and defense services in such quan-
11 tity as may be necessary to enable Taiwan to main-
12 tain a sufficient self-defense capability”, and that
13 “both the President and the Congress shall deter-
14 mine the nature and quantity of such defense arti-
15 cles and services based solely upon their judgment
16 on the needs of Taiwan, in accordance with proce-
17 dures established by law”;

18 (3) the United States, in accordance with the
19 Taiwan Relations Act, should continue to make
20 available to Taiwan such defense articles and serv-
21 ices as may be necessary for Taiwan to maintain a
22 sufficient self-defense capability;

23 (4) notwithstanding the upgrade of Taiwan’s
24 F–16 A/B aircraft, Taiwan will experience a growing
25 shortfall in fighter aircraft, particularly as its F–5
26 aircraft are retired from service; and

1 (5) the President should take steps to address
2 Taiwan's shortfall in fighter aircraft, whether
3 through the sale of F-16 C/D aircraft or other air-
4 craft of similar capability, as may be necessary to
5 enable Taiwan to maintain a sufficient self-defense
6 capability.

7 **SEC. 1282. BRIEFINGS ON DIALOGUE BETWEEN THE**
8 **UNITED STATES AND THE RUSSIAN FEDERA-**
9 **TION ON NUCLEAR ARMS, MISSILE DEFENSE**
10 **SYSTEMS, AND LONG-RANGE CONVENTIONAL**
11 **STRIKE SYSTEMS.**

12 (a) BRIEFINGS.—Not later than 60 days after the
13 date of the enactment of this Act, and not less than twice
14 each year thereafter, the President, or the President's des-
15 ignee, shall brief the Committee on Foreign Relations and
16 the Committee on Armed Services of the Senate on the
17 dialogue between the United States and the Russian Fed-
18 eration on issues related to limits or controls on nuclear
19 arms, missile defense systems, or long-range conventional
20 strike systems.

21 (b) SENSE OF CONGRESS ON CERTAIN AGREE-
22 MENTS.—It is the sense of Congress that any agreement
23 between the United States and the Russian Federation re-
24 lated to nuclear arms, missile defense systems, or long-
25 range conventional strike systems obligating the United

1 States to reduce or limit the Armed Forces or armaments
2 of the United States in any militarily significant manner
3 may be made only pursuant to the treaty-making power
4 of the President as set forth in Article II, section 2, clause
5 2 of the Constitution of the United States.

6 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion shall be construed to be inconsistent with or to inter-
8 fere with the practices, precedents, or oversight of the
9 House of Representatives.

10 **SEC. 1283. SENSE OF CONGRESS ON EFFORTS TO REMOVE**
11 **OR APPREHEND JOSEPH KONY FROM THE**
12 **BATTLEFIELD AND END THE ATROCITIES OF**
13 **THE LORD’S RESISTANCE ARMY.**

14 Consistent with the Lord’s Resistance Army Disar-
15 mament and Northern Uganda Recovery Act of 2009
16 (Public Law 111–172), it is the sense of the Congress
17 that—

18 (1) the ongoing United States advise and assist
19 operation to support the regional governments in Af-
20 rica in their ongoing efforts to remove or apprehend
21 Joseph Kony and his top commanders from the bat-
22 tlefield and end atrocities perpetuated by his Lord’s
23 Resistance Army should continue as appropriate to
24 achieve the goals of the operation;

1 ing to blocking property of certain persons contrib-
2 uting to the conflict in the Democratic Republic of
3 the Congo), block and prohibit all transactions in all
4 property and interests in property of a person de-
5 scribed in subsection (c) if such property and inter-
6 ests in property are in the United States, come with-
7 in the United States, or are or come within the pos-
8 session or control of a United States person.

9 (2) EXCEPTION.—

10 (A) IN GENERAL.—The requirement to
11 block and prohibit all transactions in all prop-
12 erty and interests in property under paragraph
13 (1) shall not include the authority to impose
14 sanctions on the importation of goods.

15 (B) GOOD DEFINED.—In this paragraph,
16 the term “good” has the meaning given that
17 term in section 16 of the Export Administration
18 Act of 1979 (50 U.S.C. App. 2415) (as contin-
19 ued in effect pursuant to the International
20 Emergency Economic Powers Act (50 U.S.C.
21 1701 et seq.)).

22 (b) VISA BAN.—The Secretary of State shall deny a
23 visa to, and the Secretary of Homeland Security shall ex-
24 clude from the United States, any alien who is a person
25 described in subsection (c).

1 (c) PERSONS DESCRIBED.—A person described in
2 this subsection is a person that the President determines
3 provides, on or after the date of the enactment of this Act,
4 significant financial, material, or technological support to
5 M23.

6 (d) WAIVER.—The President may waive the applica-
7 tion of this section with respect to a person if the Presi-
8 dent determines and reports to the appropriate congres-
9 sional committees that the waiver is in the national inter-
10 est of the United States.

11 (e) TERMINATION OF SANCTIONS.—Sanctions im-
12 posed under this section may terminate 15 days after the
13 date on which the President determines and reports to the
14 appropriate congressional committees that the person cov-
15 ered by such determination has terminated the provision
16 of significant financial, material, and technological sup-
17 port to M23.

18 (f) TERMINATION OF SECTION.—This section shall
19 terminate on the date that is 15 days after the date on
20 which the President determines and reports to the appro-
21 priate congressional committees that M23 is no longer a
22 significant threat to peace and security in the Democratic
23 Republic of the Congo.

24 (g) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Banking, Housing,
5 and Urban Affairs, the Committee on Armed
6 Services, and the Committee on Foreign Rela-
7 tions of the Senate; and

8 (B) the Committee on Financial Services,
9 the Committee on Armed Services, and the
10 Committee on Foreign Affairs of the House of
11 Representatives.

12 (2) M23.—The term “M23” refers to the rebel
13 group known as M23 operating in the Democratic
14 Republic of the Congo that derives its name from
15 the March 23, 2009, agreement between the Govern-
16 ment of the Democratic Republic of the Congo and
17 the National Congress for the Defense of the People
18 (or any successor group).

19 (3) UNITED STATES PERSON.—The term
20 “United States person” means—

21 (A) an individual who is a United States
22 citizen or an alien lawfully admitted for perma-
23 nent residence to the United States; or

1 (B) an entity organized under the laws of
2 the United States or of any jurisdiction within
3 the United States.

4 **SEC. 1285. PILOT PROGRAM ON REPAIR, OVERHAUL, AND**
5 **REFURBISHMENT OF DEFENSE ARTICLES**
6 **FOR SALE OR TRANSFER TO ELIGIBLE FOR-**
7 **EIGN COUNTRIES AND ENTITIES.**

8 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
9 of Defense may carry out a pilot program to repair, over-
10 haul, or refurbish in-stock defense articles in anticipation
11 of the sale or transfer of such defense articles to eligible
12 foreign countries or international organizations under law.

13 (b) FUND FOR SUPPORT OF PROGRAM AUTHOR-
14 IZED.—The Secretary of Defense may establish and ad-
15 minister a fund to be known as the “Special Defense Re-
16 pair Fund” (in this section referred to as the “Fund”)
17 to support the program authorized by subsection (a).

18 (c) CREDITS TO FUND.—

19 (1) IN GENERAL.—Subject to paragraphs (2)
20 and (3), the following shall be credited to the Fund:

21 (A) Such amounts, not to exceed
22 \$50,000,000, from amounts authorized to be
23 appropriated for overseas contingency oper-
24 ations for fiscal year 2013 as the Secretary of
25 Defense considers appropriate, and repro-

1 grammed under a reprogramming authority
2 provided by another provision of this Act or by
3 other law.

4 (B) Notwithstanding section 114(c) of title
5 10, United States Code, any collection from the
6 sale or transfer of defense articles from Depart-
7 ment of Defense stocks repaired, overhauled, or
8 refurbished with amounts from the Fund that
9 are not intended to be replaced which sale or
10 transfer is made pursuant to section
11 21(a)(1)(A) of the Arms Export Control Act
12 (22 U.S.C. 2761(a)(1)(A)), the Foreign Assist-
13 ance Act of 1961 (22 U.S.C. 2151 et seq.), or
14 another provision of law.

15 (C) Notwithstanding section 37(a) of the
16 Arms Export Control Act (22 U.S.C. 2777(a)),
17 any cash payment from the sale or transfer of
18 defense articles from Department of Defense
19 stocks repaired, overhauled, or refurbished with
20 amounts from the Fund that are intended to be
21 replaced.

22 (2) LIMITATION ON AMOUNTS CREDITABLE
23 FROM SALE OR TRANSFER OF ARTICLES.—

24 (A) CREDITS IN CONNECTION WITH ARTI-
25 CLES NOT TO BE REPLACED.—The amount

1 credited to the Fund under paragraph (1)(B) in
2 connection with a collection from the sale or
3 transfer of defense articles may not exceed the
4 cost incurred by the Department of Defense in
5 repairing, overhauling, or refurbishing such de-
6 fense articles under the program authorized by
7 subsection (a).

8 (B) CREDITS IN CONNECTION WITH ARTI-
9 CLES TO BE REPLACED.—The amount credited
10 to the Fund under paragraph (1)(C) in connec-
11 tion with a sale or transfer of defense articles
12 may not exceed the amounts from the Fund
13 used to repair, overhaul, or refurbish such de-
14 fense articles.

15 (3) LIMITATION ON SIZE OF FUND.—The total
16 amount in the Fund at any time may not exceed
17 \$50,000,000.

18 (4) TREATMENT OF AMOUNTS CREDITED.—
19 Amounts credited to the Fund under this subsection
20 shall be merged with amounts in the Fund, and shall
21 remain available until expended.

22 (5) AUTHORIZATION TO PURCHASE SERVICES
23 FROM DOD WORKING CAPITAL FUND ACTIVITIES.—
24 The Fund shall be considered an authorized cus-
25 tomer of Department of Defense Working Capital

1 Fund activities. Prices of goods and services sold by
2 Working Capital Fund activities to the Fund shall
3 reflect Foreign Military Sales pricing guidelines, as
4 promulgated by the Department of Defense Finan-
5 cial Management Regulation, and other applicable
6 guidelines.

7 (d) NONAVAILABILITY OF AMOUNTS IN FUND FOR
8 STORAGE, MAINTENANCE, AND RELATED COSTS.—Fol-
9 lowing the repair, overhaul, or refurbishment of defense
10 articles under the program authorized by subsection (a),
11 amounts in the Fund may not be used to pay costs of
12 storage and maintenance of such defense articles or any
13 other costs associated with the preservation or preparation
14 for sale or transfer of such defense articles.

15 (e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

16 (1) IN GENERAL.—Any sale or transfer of de-
17 fense articles repaired, overhauled, or refurbished
18 under the program authorized by subsection (a)
19 shall be in accordance with—

20 (A) the Arms Export Control Act (22
21 U.S.C. 2751 et seq.);

22 (B) the Foreign Assistance Act of 1961; or

23 (C) another provision of law authorizing
24 such sale or transfer.

1 (2) SECRETARY OF STATE CONCURRENCE RE-
2 QUIRED FOR CERTAIN SALES OR TRANSFERS TO
3 FOREIGN COUNTRIES.—If the sale or transfer of de-
4 fense articles occurs in accordance with a provision
5 of law referred to in paragraph (1)(C) that does not
6 otherwise require the concurrence of the Secretary of
7 State for the sale or transfer, the sale or transfer
8 may be made only with the concurrence of the Sec-
9 retary of State.

10 (f) TRANSFERS OF AMOUNTS.—

11 (1) TRANSFER TO OTHER DEPARTMENT OF DE-
12 FENSE ACCOUNTS.—Amounts in the Fund may be
13 transferred to any Department of Defense account
14 for use in carrying out the program authorized by
15 subsection (a). Any amount so transferred shall be
16 merged with amounts in the account to which trans-
17 ferred, and shall be available for the same purposes
18 and the same time period as amounts in the account
19 to which transferred.

20 (2) TRANSFER FROM OTHER DEPARTMENT OF
21 DEFENSE ACCOUNTS.—Upon a determination by the
22 Secretary of Defense with respect to an amount
23 transferred under paragraph (1) that all or part of
24 such transfer is not necessary for the purposes
25 transferred, such amount may be transferred back

1 to the Fund. Any amount so transferred shall be
2 merged with amounts in the Fund, and shall remain
3 available until expended.

4 (g) CERTAIN EXCESS PROCEEDS TO BE CREDITED
5 TO SPECIAL DEFENSE ACQUISITION FUND.—Any collec-
6 tion from the sale or transfer of defense articles that are
7 not intended to be replaced in excess of the amount cred-
8 itable to the Fund under subsection (c)(2)(A) shall be
9 credited to the Special Defense Acquisition Fund estab-
10 lished pursuant to chapter 5 of the Arms Export Control
11 Act (22 U.S.C. 2795 et seq.).

12 (h) MATERIEL EFFICIENCIES AND DUPLICATION.—
13 In administering the program authorized by subsection
14 (a), the Secretary of Defense shall ensure to the maximum
15 extent possible that purchases made utilizing the Fund
16 utilize existing Defense Logistics Agency contracts. The
17 Secretary shall also ensure that none of the activities car-
18 ried out under the program authorized by subsection (a)
19 are duplicative in nature to those performed by other mili-
20 tary departments or Defense Agencies.

21 (i) CONDUCT BY PUBLIC OR PRIVATE SECTOR FA-
22 CILITIES OR ENTITIES.—The repair, overhaul, and refur-
23 bishment of defense articles under the program authorized
24 by subsection (a) may be conducted by a facility or entity
25 in the public sector or the private sector, consistent with

1 the requirements of chapter 146 of title 10, United States
2 Code.

3 (j) REPORTS.—

4 (1) ANNUAL REPORT.—Not later than 45 days
5 after the end of each fiscal year through the date of
6 expiration specified in subsection (l), the Secretary
7 of Defense shall submit to the appropriate congress-
8 sional committees a report on the authorities under
9 this section during such fiscal year. Each report
10 shall include, for the fiscal year covered by such re-
11 port, the following:

12 (A) The types and quantities of defense ar-
13 ticles repaired, overhauled, or refurbished under
14 the program authorized by subsection (a).

15 (B) The value of the repair, overhaul, or
16 refurbishment performed under the program.

17 (C) The amount of operation and mainte-
18 nance funds credited to the Fund under sub-
19 section (c)(1)(A).

20 (D) The amount of any collections from
21 the sale or transfer of defense articles repaired,
22 overhauled, or refurbished under the program
23 that was credited to the Fund under subsection
24 (c)(1)(B).

1 (E) The amount of any cash payments
2 from the sale or transfer of defense articles re-
3 paired, overhauled, or refurbished under the
4 program that was credited to the Fund under
5 subsection (c)(1)(C).

6 (2) ASSESSMENT REPORT.—Not later than
7 February 1, 2015, the Secretary of Defense shall
8 submit to the appropriate congressional committees
9 a report on the operation of the authorities in this
10 section. The report shall include an assessment of
11 the effectiveness of the authorities in meeting the
12 objectives of the program authorized by subsection
13 (a). At a minimum, the assessment shall address the
14 following:

15 (A) Cost efficiencies generated by utiliza-
16 tion of the Fund.

17 (B) Time efficiencies gained in the delivery
18 of defense articles under the program.

19 (C) An explanation of all amounts trans-
20 ferred to and from the Fund pursuant to sub-
21 section (f).

22 (D) A detailed account of excess proceeds
23 credited to the Special Defense Acquisition
24 Fund pursuant to section (g).

1 (1) the East China Sea is a vital part of the
2 maritime commons of Asia, including critical sea
3 lanes of communication and commerce that benefit
4 all nations of the Asia-Pacific region;

5 (2) the peaceful settlement of territorial and ju-
6 risdictional disputes in the East China Sea requires
7 the exercise of self-restraint by all parties in the con-
8 duct of activities that would complicate or escalate
9 disputes and destabilize the region, and differences
10 should be handled in a constructive manner con-
11 sistent with universally recognized principles of cus-
12 tomary international law;

13 (3) while the United States takes no position on
14 the ultimate sovereignty of the Senkaku Islands, the
15 United States acknowledges the administration of
16 Japan over the Senkaku Islands;

17 (4) the unilateral action of a third party will
18 not affect the United States' acknowledgment of the
19 administration of Japan over the Senkaku Islands;

20 (5) the United States has national interests in
21 freedom of navigation, the maintenance of peace and
22 stability, respect for international law, and
23 unimpeded lawful commerce;

24 (6) the United States supports a collaborative
25 diplomatic process by claimants to resolve territorial

1 disputes without coercion, and opposes efforts at co-
2ercion, the threat of use of force, or use of force by
3 any claimant in seeking to resolve sovereignty and
4 territorial issues in the East China Sea; and

5 (7) the United States reaffirms its commitment
6 to the Government of Japan under Article V of the
7 Treaty of Mutual Cooperation and Security that
8 “[e]ach Party recognizes that an armed attack
9 against either Party in the territories under the ad-
10 ministration of Japan would be dangerous to its own
11 peace and safety and declares that it would act to
12 meet the common danger in accordance with its con-
13 stitutional provisions and processes”.

14 **Subtitle G—Reports**

15 **SEC. 1291. REVIEW AND REPORTS ON DEPARTMENT OF DE-** 16 **FENSE EFFORTS TO BUILD THE CAPACITY OF** 17 **AND PARTNER WITH FOREIGN SECURITY** 18 **FORCES.**

19 (a) REVIEW.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of the enactment of this Act, the De-
22 fense Policy Board shall conduct a review of the ef-
23 forts of the Department of Defense to build the ca-
24 pacity of, or partner with, foreign security forces in

1 support of United States national defense and secu-
2 rity strategies.

3 (2) ELEMENTS.—The review required by this
4 subsection shall include the following:

5 (A) An examination of the ways in which
6 the efforts of the Department to build the ca-
7 pacity of, or partner with, foreign security
8 forces directly support implementation of cur-
9 rent national defense and security strategies.

10 (B) An assessment of the range of effects
11 that efforts of the Department to build the ca-
12 pacity of, or partner with, foreign security
13 forces are designed to achieve in support of cur-
14 rent national defense and security strategies.

15 (C) An assessment of the criteria used for
16 prioritizing such efforts in support of national
17 defense and security strategies.

18 (D) An identification of the authorities the
19 Department currently uses to implement such
20 efforts, together with an assessment of the ade-
21 quacy of such authorities.

22 (E) An assessment of the capabilities and
23 resources required by the Department to imple-
24 ment such efforts.

1 (F) An assessment of the most effective
2 distribution of the roles and responsibilities for
3 such efforts within the Department, together
4 with an assessment whether the Department
5 military and civilian workforce is appropriately
6 sized and shaped to meet the requirements of
7 such efforts.

8 (G) An evaluation of current measures of
9 the Department for assessing activities of the
10 Department designed to build the capacity of,
11 or partner with, foreign security forces, includ-
12 ing an assessment whether such measures ad-
13 dress the extent to which such activities directly
14 support the priorities of national defense and
15 security strategies.

16 (H) An identification of recommendations
17 for clarifying or improving the guidance and as-
18 sessment measures of the Department relating
19 to its efforts to build the capacity of, or partner
20 with, foreign security forces in support of na-
21 tional defense and security strategies.

22 (3) REPORT.—Not later than 90 days after the
23 completion of the review required by this subsection,
24 the Secretary of Defense shall submit to the con-

1 gressional defense committees a report containing
2 the result of the review.

3 (b) STRATEGIC GUIDANCE ON DEPARTMENT OF DE-
4 FENSE EFFORTS TO BUILD PARTNER CAPACITY AND
5 OTHER PARTNERSHIP INITIATIVES.—Not later than 120
6 days after the completion of the review required by sub-
7 section (a), the Secretary of Defense shall, with the advice
8 and assistance of the Chairman of the Joint Chiefs of
9 Staff, submit to the congressional defense committees a
10 report setting forth the following:

11 (1) An assessment, taking into account the rec-
12 ommendations of the Defense Policy Board in the
13 review required by subsection (a), of the efforts of
14 the Department of Defense to build the capacity of,
15 and partner with, foreign military forces in support
16 of national defense and security strategies.

17 (2) Strategic guidance for the Department for
18 its efforts to build the capacity of, and partner with,
19 foreign military forces in support of national defense
20 and security strategies, which guidance shall ad-
21 dress—

22 (A) the ways such efforts directly support
23 the goals and objectives of national defense and
24 security strategies;

1 (B) the criteria to be used for prioritizing
2 activities to implement such efforts in support
3 of national defense and security strategies;

4 (C) the measures to be used to assess the
5 effects achieved by such efforts and the extent
6 to which such effects support the objectives of
7 national defense and security strategies;

8 (D) the appropriate roles and responsibil-
9 ities of the Armed Forces, the combatant com-
10 mands, the Defense Agencies, and other compo-
11 nents of the Department in conducting such ef-
12 forts; and

13 (E) the relationship of Department work-
14 force planning with the requirements for such
15 efforts.

16 **SEC. 1292. ADDITIONAL REPORT ON MILITARY AND SECU-**
17 **RITY DEVELOPMENTS INVOLVING THE DEMO-**
18 **CRATIC PEOPLE'S REPUBLIC OF KOREA.**

19 Section 1236(a) of the National Defense Authoriza-
20 tion Act for Fiscal Year 2012 (Public Law 112–81; 125
21 Stat. 1641) is amended by inserting after “November 1,
22 2012,” the following: “and November 1, 2013,”.

1 **SEC. 1293. REPORT ON HOST NATION SUPPORT FOR OVER-**
2 **SEAS UNITED STATES MILITARY INSTALLA-**
3 **TIONS AND UNITED STATES ARMED FORCES**
4 **DEPLOYED IN COUNTRY.**

5 (a) REPORT REQUIRED.—

6 (1) IN GENERAL.—Not later than March 1 of
7 each year from 2013 through 2015, the Secretary of
8 Defense, in consultation with the Secretary of State,
9 shall submit to the appropriate congressional com-
10 mittees a report on the direct, indirect, and burden-
11 sharing contributions made by host nations to sup-
12 port overseas United States military installations
13 and United States Armed Forces deployed in coun-
14 try.

15 (2) ELEMENTS.—The report required by para-
16 graph (1) shall include at least the following:

17 (A) A description of all costs associated
18 with stationing United States Armed Forces in
19 the host nation, including military personnel
20 costs, operation and maintenance costs, and
21 military construction costs.

22 (B) A description of direct, indirect, and
23 burden-sharing contributions made by the host
24 nation, including the following:

25 (i) Contributions accepted for the fol-
26 lowing costs:

1 (I) Compensation for local na-
2 tional employees of the Department of
3 Defense.

4 (II) Military construction
5 projects of the Department of De-
6 fense, including design, procurement,
7 construction management costs, rents
8 on privately-owned land, facilities,
9 labor, utilities, and vicinity improve-
10 ments.

11 (III) Other costs such as loan
12 guarantees on public-private venture
13 housing and payment-in-kind for fa-
14 cilities returned to the host nation.

15 (ii) Contributions accepted for any
16 other purpose.

17 (C) The methodology and accounting pro-
18 cedures used to measure and track direct, indi-
19 rect, and burden-sharing contributions made by
20 host nations.

21 (3) DESCRIPTION OF CONTRIBUTIONS IN
22 UNITED STATES DOLLARS.—The report required by
23 paragraph (1) shall describe the direct, indirect, and
24 burden-sharing contributions made by host nations
25 in United States dollars and shall specify the ex-

1 change rates used to determine the United States
2 dollar value of such host nation contributions.

3 (b) FORM.—The report required by subsection (a)
4 shall be submitted in unclassified form, but may include
5 a classified annex if necessary.

6 (c) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the congressional defense committees;

11 and

12 (B) the Committee on Foreign Relations of
13 the Senate and the Committee on Foreign Af-
14 fairs of the House of Representatives.

15 (2) HOST NATION.—The term “host nation”
16 means any country that hosts a permanent or tem-
17 porary United States military installation or a per-
18 manent or rotational deployment of United States
19 Armed Forces located outside of the borders of the
20 United States.

21 (3) CONTRIBUTIONS.—The term “contribu-
22 tions” means cash and in-kind contributions made
23 by a host nation that replace expenditures that
24 would otherwise be made by the Secretary of De-

1 fense using funds appropriated or otherwise made
2 available in defense appropriations Acts.

3 **SEC. 1294. REPORT ON MILITARY ACTIVITIES TO DENY OR**
4 **SIGNIFICANTLY DEGRADE THE USE OF AIR**
5 **POWER AGAINST CIVILIAN AND OPPOSITION**
6 **GROUPS IN SYRIA.**

7 (a) REPORT REQUIRED.—Not later than 90 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense shall, in consultation with the Chairman of the
10 Joint Chiefs of Staff, submit to the congressional defense
11 committees a report identifying the limited military activi-
12 ties that could deny or significantly degrade the ability of
13 President Bashar al-Assad of Syria, and forces loyal to
14 him, to use air power against civilians and opposition
15 groups in Syria.

16 (b) NATURE OF MILITARY ACTIVITIES.—

17 (1) PRINCIPAL PURPOSE.—The principal pur-
18 pose of the military activities identified for purposes
19 of the report required by subsection (a) shall be to
20 advance the goals of President Obama of stopping
21 the killing of civilians in Syria and creating condi-
22 tions for a transition to a democratic, pluralistic po-
23 litical system in Syria.

1 (2) ADDITIONAL GOALS.—The military activi-
2 ties identified for purposes of the report shall also
3 meet the goals as follows:

4 (A) That the United States Armed Forces
5 conduct such activities with foreign allies or
6 partners.

7 (B) That United States ground troops not
8 be deployed onto Syrian territory.

9 (C) That the risk to civilians on the
10 ground in Syria be limited.

11 (D) That the risks to United States mili-
12 tary personnel be limited.

13 (E) That the financial costs to the United
14 States be limited.

15 (c) ELEMENTS ON POTENTIAL MILITARY ACTIVI-
16 TIES.—The report required by subsection (a) shall include
17 a comprehensive description, evaluation, and assessment
18 of the potential effectiveness of the following military ac-
19 tivities, as required by subsection (a):

20 (1) The deployment of air defense systems,
21 such as Patriot missile batteries, to neighboring
22 countries for the purpose of denying or significantly
23 degrading the operational capability of Syria air-
24 craft.

1 (2) The establishment of one or more no-fly
2 zones over key population centers in Syria.

3 (3) Limited air strikes to destroy or signifi-
4 cantly degrade Syria aircraft.

5 (4) Such other military activities as the Sec-
6 retary considers appropriate to achieve the goals
7 stated in subsection (b).

8 (d) ELEMENTS IN DESCRIPTION OF POTENTIAL
9 MILITARY ACTIVITIES.—For each military activity that
10 the Secretary identifies in subsection (c), the comprehen-
11 sive description of such activities under that subsection
12 shall include, but not be limited to, the type and the num-
13 ber of United States military personnel and assets to be
14 involved in such activities, the anticipated duration of such
15 activities, and the anticipated cost of such activities. The
16 report shall also identify what elements would be required
17 to maximize the effectiveness of such military activities.

18 (e) NO AUTHORIZATION FOR USE OF MILITARY
19 FORCE.—Nothing in this section shall be construed as a
20 declaration of war or an authorization for the use of force.

21 (f) FORM.—The report required by subsection (a)
22 shall be submitted in classified form.

1 **SEC. 1295. REPORT ON MILITARY ASSISTANCE PROVIDED**
2 **BY RUSSIA TO SYRIA.**

3 (a) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act, the Secretary of Defense,
5 in coordination with the Secretary of State, shall provide
6 to the appropriate congressional committees a report on
7 military assistance provided by the Russian Federation to
8 Syria.

9 (b) MATTERS TO BE INCLUDED.—The report re-
10 quired by subsection (a) shall include the following:

11 (1) An analysis of whether Russia is providing
12 direct or indirect military support for the Govern-
13 ment of Syria's actions to forcefully act against
14 groups opposing the Government of Syria, including
15 a description of the types of support.

16 (2) A description and analysis of Russia's mili-
17 tary interests in Syria.

18 (3) A description and analysis of Russia's mili-
19 tary presence in Syria.

20 (c) FORM.—The report required by subsection (a)
21 shall be submitted in unclassified form, but may include
22 a classified annex.

23 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
24 DEFINED.—In this section, the term “appropriate con-
25 gressional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Foreign Relations of the Senate; and

3 (2) the Committee on Armed Services and the
4 Committee on Foreign Affairs of the House of Rep-
5 resentatives.

6 **TITLE XIII—COOPERATIVE**
7 **THREAT REDUCTION**

Sec. 1301. Specification of cooperative threat reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Report on Cooperative Threat Reduction Programs in Russia.

8 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
9 **DUCTION PROGRAMS AND FUNDS.**

10 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
11 Duction PROGRAMS.—For purposes of section 301 and
12 other provisions of this Act, Cooperative Threat Reduction
13 programs are the programs specified in section 1501 of
14 the National Defense Authorization Act for Fiscal Year
15 1997 (50 U.S.C. 2362 note).

16 (b) FISCAL YEAR 2013 COOPERATIVE THREAT RE-
17 Duction FUNDS DEFINED.—As used in this title, the
18 term “fiscal year 2013 Cooperative Threat Reduction
19 funds” means the funds appropriated pursuant to the au-
20 thorization of appropriations in section 301 and made
21 available by the funding table in section 4301 for Coopera-
22 tive Threat Reduction programs.

23 (c) AVAILABILITY OF FUNDS.—Funds appropriated
24 pursuant to the authorization of appropriations in section

1 301 and made available by the funding table in section
2 4301 for Cooperative Threat Reduction programs shall be
3 available for obligation for fiscal years 2013, 2014, and
4 2015.

5 **SEC. 1302. FUNDING ALLOCATIONS.**

6 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
7 \$519,111,000 authorized to be appropriated to the De-
8 partment of Defense for fiscal year 2013 in section 301
9 and made available by the funding table in section 4301
10 for Cooperative Threat Reduction programs, the following
11 amounts may be obligated for the purposes specified:

12 (1) For strategic offensive arms elimination,
13 \$68,271,000.

14 (2) For chemical weapons destruction,
15 \$14,630,000.

16 (3) For global nuclear security, \$99,789,000.

17 (4) For cooperative biological engagement,
18 \$276,399,000.

19 (5) For proliferation prevention, \$32,402,000.

20 (6) For threat reduction engagement,
21 \$2,375,000.

22 (7) For activities designated as Other Assess-
23 ments/Administrative Costs, \$25,245,000.

24 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
25 FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 Co-

1 operative Threat Reduction funds may be obligated or ex-
2 pended for a purpose other than a purpose listed in para-
3 graphs (1) through (7) of subsection (a) until 15 days
4 after the date that the Secretary of Defense submits to
5 Congress a report on the purpose for which the funds will
6 be obligated or expended and the amount of funds to be
7 obligated or expended. Nothing in the preceding sentence
8 shall be construed as authorizing the obligation or expend-
9 iture of fiscal year 2013 Cooperative Threat Reduction
10 funds for a purpose for which the obligation or expendi-
11 ture of such funds is specifically prohibited under this title
12 or any other provision of law.

13 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
14 AMOUNTS.—

15 (1) IN GENERAL.—Subject to paragraph (2), in
16 any case in which the Secretary of Defense deter-
17 mines that it is necessary to do so in the national
18 interest, the Secretary may obligate amounts appro-
19 priated for fiscal year 2013 for a purpose listed in
20 paragraphs (1) through (7) of subsection (a) in ex-
21 cess of the specific amount authorized for that pur-
22 pose.

23 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
24 tion of funds for a purpose stated in paragraphs (1)
25 through (7) of subsection (a) in excess of the specific

1 amount authorized for such purpose may be made
2 using the authority provided in paragraph (1) only
3 after—

4 (A) the Secretary submits to Congress no-
5 tification of the intent to do so together with a
6 complete discussion of the justification for
7 doing so; and

8 (B) 15 days have elapsed following the
9 date of the notification.

10 **SEC. 1303. REPORT ON COOPERATIVE THREAT REDUCTION**
11 **PROGRAMS IN RUSSIA.**

12 (a) REPORT.—Not later than 90 days after the date
13 of the enactment of this Act, the Secretary of Defense,
14 in coordination with the Secretary of State, the Secretary
15 of Energy, and the Director of National Intelligence, shall
16 submit to the appropriate congressional committees a re-
17 port on Cooperative Threat Reduction Programs in the
18 Russian Federation.

19 (b) MATTERS INCLUDED.—The report under sub-
20 section (a) shall include the following:

21 (1) Identification of nonproliferation programs
22 in Russia that—

23 (A) have accomplished their long-term ob-
24 jectives in reducing the threat of proliferation
25 of weapons of mass destruction; and

1 (B) will be phased out during the five-year
2 period beginning on the date of the enactment
3 of this Act.

4 (2) Identification of—

5 (A) nonproliferation programs in Russia
6 that—

7 (i) reduce the threat of the prolifera-
8 tion of weapons of mass destruction; and

9 (ii) will not be phased out during such
10 five-year period; and

11 (B) the metrics to evaluate the success of
12 such programs.

13 (3) Identification of—

14 (A) the nature of the threat of the pro-
15 liferation of weapons of mass destruction that
16 underpin the programs described in paragraphs
17 (1) and (2); and

18 (B) the current and foreseeable threats
19 that are addressed by such programs.

20 (4) The impact on nonproliferation programs in
21 Russia and the risks and benefits to national secu-
22 rity if the current agreement regarding such pro-
23 grams (commonly referred to as the “umbrella
24 agreement”) is amended or not renewed.

1 (5) What steps, if any, will be taken to continue
2 or terminate ongoing nonproliferation programs if
3 the umbrella agreement is not renewed.

4 (c) FORM.—The report under subsection (a) shall be
5 in unclassified form, but may contain a classified annex.

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
7 DEFINED.—In this section, the term “appropriate con-
8 gressional committees” means—

9 (1) the Committee on Armed Services and the
10 Committee on Foreign Affairs of the House of Rep-
11 resentatives; and

12 (2) the Committee on Armed Services and the
13 Committee on Foreign Relations of the Senate.

14 **TITLE XIV—OTHER**
15 **AUTHORIZATIONS**

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. National Defense Sealift Fund.
- Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1405. Defense Inspector General.
- Sec. 1406. Defense Health Program.

Subtitle B—National Defense Stockpile

- Sec. 1411. Authorized uses of National Defense Stockpile funds.
- Sec. 1412. Additional security of strategic materials supply chains.
- Sec. 1413. Release of materials needed for national defense purposes from the Strategic and Critical Materials Stockpile.

Subtitle C—Chemical Demilitarization Matters

- Sec. 1421. Supplemental chemical agent and munitions destruction technologies at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

Subtitle D—Other Matters

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

3 (1) the destruction of lethal chemical agents
4 and munitions in accordance with section 1412 of
5 the Department of Defense Authorization Act, 1986
6 (50 U.S.C. 1521); and

7 (2) the destruction of chemical warfare materiel
8 of the United States that is not covered by section
9 1412 of such Act.

10 **SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG AC-**

11 **TIVITIES, DEFENSE-WIDE.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2013 for ex-
14 penses, not otherwise provided for, for Drug Interdiction
15 and Counter-Drug Activities, Defense-wide, as specified in
16 the funding table in section 4501.

17 **SEC. 1405. DEFENSE INSPECTOR GENERAL.**

18 Funds are hereby authorized to be appropriated for
19 the Department of Defense for fiscal year 2013 for ex-
20 penses, not otherwise provided for, for the Office of the
21 Inspector General of the Department of Defense, as speci-
22 fied in the funding table in section 4501.

23 **SEC. 1406. DEFENSE HEALTH PROGRAM.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 2013 for the Defense Health Program, as spec-

1 ified in the funding table in section 4501, for use of the
2 Armed Forces and other activities and agencies of the De-
3 partment of Defense in providing for the health of eligible
4 beneficiaries.

5 **Subtitle B—National Defense**
6 **Stockpile**

7 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
8 **STOCKPILE FUNDS.**

9 (a) **OBLIGATION OF STOCKPILE FUNDS.**—During fis-
10 cal year 2013, the National Defense Stockpile Manager
11 may obligate up to \$44,899,227 of the funds in the Na-
12 tional Defense Stockpile Transaction Fund established
13 under subsection (a) of section 9 of the Strategic and Crit-
14 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
15 authorized uses of such funds under subsection (b)(2) of
16 such section, including the disposal of hazardous materials
17 that are environmentally sensitive.

18 (b) **ADDITIONAL OBLIGATIONS.**—The National De-
19 fense Stockpile Manager may obligate amounts in excess
20 of the amount specified in subsection (a) if the National
21 Defense Stockpile Manager notifies Congress that extraor-
22 dinary or emergency conditions necessitate the additional
23 obligations. The National Defense Stockpile Manager may
24 make the additional obligations described in the notifica-

1 tion after the end of the 45-day period beginning on the
2 date on which Congress receives the notification.

3 (c) LIMITATIONS.—The authorities provided by this
4 section shall be subject to such limitations as may be pro-
5 vided in appropriations Acts.

6 **SEC. 1412. ADDITIONAL SECURITY OF STRATEGIC MATE-**
7 **RIALS SUPPLY CHAINS.**

8 Section 2(b) of the Strategic and Critical Materials
9 Stock Piling Act (50 U.S.C. 98a(b)) is amended by insert-
10 ing “or a single point of failure” after “foreign sources”.

11 **SEC. 1413. RELEASE OF MATERIALS NEEDED FOR NA-**
12 **TIONAL DEFENSE PURPOSES FROM THE**
13 **STRATEGIC AND CRITICAL MATERIALS**
14 **STOCKPILE.**

15 (a) AUTHORITY FOR PRESIDENT TO DELEGATE SPE-
16 CIAL DISPOSAL AUTHORITY OF PRESIDENT FOR RELEASE
17 FOR NATIONAL DEFENSE PURPOSES.—Section 7(a) of
18 the Strategic and Critical Materials Stock Piling Act (50
19 U.S.C. 98f(a)) is amended—

20 (1) in paragraph (1), by striking “and” at the
21 end;

22 (2) in paragraph (2), by striking the period at
23 the end and inserting “; and”; and

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

1 used at Pueblo Chemical Depot, Colorado, and Blue
2 Grass Army Depot, Kentucky, during the period cov-
3 ered by the report, including explosive destruction
4 technologies and any technologies developed for the
5 treatment and disposal of energetic or agent
6 hydrolystates.”;

7 (2) in subsection (j)(2), by adding at the end
8 the following new subparagraph:

9 “(E) A description and justification for the use
10 of any supplemental chemical agent and munitions
11 destruction technologies used at Pueblo Chemical
12 Depot, Colorado, and Blue Grass Army Depot, Ken-
13 tucky, during the period covered by the report, in-
14 cluding explosive destruction technologies and any
15 technologies developed for the treatment and dis-
16 posal of energetic or agent hydrolysates. Such de-
17 scription and justification shall outline—

18 “(i) the need for the use of supplemental
19 destruction technologies and technologies devel-
20 oped for the treatment and disposal of energetic
21 or agent hydrolystates;

22 “(ii) site-by-site descriptions of the prob-
23 lematic aspects of the stockpile requiring the
24 use of supplemental technologies;

1 “(iii) the type of supplemental destruction
2 technologies used at each site; and

3 “(iv) any planned future use of other sup-
4 plemental destruction technologies for each
5 site.”;

6 (3) by redesignating subsection (o) as sub-
7 section (p); and

8 (4) by inserting after subsection (n) the fol-
9 lowing new subsection (o):

10 “(o) SUPPLEMENTAL DESTRUCTION TECH-
11 NOLOGIES.—In determining the technologies to supple-
12 ment the neutralization destruction of the stockpile of le-
13 thal chemical agents and munitions at Pueblo Chemical
14 Depot, Colorado, and Blue Grass Army Depot, Kentucky,
15 the Secretary of Defense may consider the following:

16 “(1) Explosive Destruction Technologies.

17 “(2) Any technologies developed for the treat-
18 ment and disposal of energetic or agent hydroly-
19 sates, if problems with the current on-site treatment
20 of hydrolysates are encountered.”.

21 (b) REPEAL OF SUPERSEDED PROVISION.—Section
22 151 of the Floyd D. Spence National Defense Authoriza-
23 tion Act for Fiscal Year 2001 (as enacted into law by Pub-
24 lic Law 106–398; 114 Stat. 1645A–30) is repealed.

1 **Subtitle D—Other Matters**

2 **SEC. 1431. REDUCTION OF UNOBLIGATED BALANCES WITH-**
3 **IN THE PENTAGON RESERVATION MAINTEN-**
4 **NANCE REVOLVING FUND.**

5 Not later than 60 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall transfer
7 \$5,000,000 from the unobligated balances of the Pentagon
8 Reservation Maintenance Revolving Fund established
9 under section 2674(e) of title 10, United States Code, to
10 the Miscellaneous Receipts Fund of the United States
11 Treasury.

12 **SEC. 1432. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
13 **DEPARTMENT OF DEFENSE-DEPARTMENT OF**
14 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
15 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
16 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

17 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
18 funds authorized to be appropriated for section 1406 and
19 available for the Defense Health Program for operation
20 and maintenance, \$139,204,000 may be transferred by the
21 Secretary of Defense to the Joint Department of Defense—
22 Department of Veterans Affairs Medical Facility Dem-
23 onstration Fund established by subsection (a)(1) of sec-
24 tion 1704 of the National Defense Authorization Act for
25 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).

1 For purposes of subsection (a)(2) of such section 1704,
2 any funds so transferred shall be treated as amounts au-
3 thorized and appropriated specifically for the purpose of
4 such a transfer.

5 (b) USE OF TRANSFERRED FUNDS.—For the pur-
6 poses of subsection (b) of such section 1704, facility oper-
7 ations for which funds transferred under subsection (a)
8 may be used are operations of the Captain James A.
9 Lovell Federal Health Care Center, consisting of the
10 North Chicago Veterans Affairs Medical Center, the Navy
11 Ambulatory Care Center, and supporting facilities des-
12 igned as a combined Federal medical facility under an
13 operational agreement covered by section 706 of the Dun-
14 can Hunter National Defense Authorization Act for Fiscal
15 Year 2009 (Public Law 110–417; 122 Stat. 4500).

16 **SEC. 1433. AUTHORIZATION OF APPROPRIATIONS FOR**
17 **ARMED FORCES RETIREMENT HOME.**

18 There is hereby authorized to be appropriated for fis-
19 cal year 2013 from the Armed Forces Retirement Home
20 Trust Fund the sum of \$67,590,000 for the operation of
21 the Armed Forces Retirement Home.

22 **SEC. 1434. CEMETERIAL EXPENSES.**

23 Funds are hereby authorized to be appropriated for
24 the Department of the Army for fiscal year 2013 for

1 cemeterial expenses, not otherwise provided for, in the
2 amount of \$173,800,000.

3 **SEC. 1435. ADDITIONAL WEAPONS OF MASS DESTRUCTION**

4 **CIVIL SUPPORT TEAMS.**

5 (a) IN GENERAL.—Section 1403 of the Bob Stump
6 National Defense Authorization Act for Fiscal Year 2003
7 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310
8 note) is amended—

9 (1) by striking subsection (b);

10 (2) by redesignating subsection (c) as sub-
11 section (e); and

12 (3) by inserting after subsection (a) the fol-
13 lowing new subsections (b), (c), and (d):

14 “(b) ESTABLISHMENT OF FURTHER ADDITIONAL
15 TEAMS.—The Secretary of Defense is authorized to have
16 established two additional teams designated as Weapons
17 of Mass Destruction Civil Support Teams, beyond the 55
18 teams required in subsection (a), if—

19 “(1) the Secretary of Defense has made the cer-
20 tification provided for in section 12310(c)(5) of title
21 10, United States Code, with respect to each of such
22 additional teams before December 31, 2011; and

23 “(2) the establishment of such additional teams
24 does not require an increase in authorized personnel
25 levels above the numbers authorized as of the date

1 of the enactment of the National Defense Authoriza-
2 tion Act for Fiscal Year 2013.

3 “(c) LIMITATION OF ESTABLISHMENT OF FURTHER
4 TEAMS.—No Weapons of Mass Destruction Civil Support
5 Team may be established beyond the number authorized
6 by subsections (a) and (b) unless—

7 “(1) the Secretary submits to Congress a re-
8 quest for authority to establish such team, including
9 a detailed justification for its establishment; and

10 “(2) the establishment of such team is specifi-
11 cally authorized by a law enacted after the date of
12 the enactment of the National Defense Authoriza-
13 tion Act for Fiscal Year 2013.

14 “(d) NOTIFICATION OF DISESTABLISHMENT OF
15 TEAMS.—No Weapons of Mass Destruction Civil Support
16 Team established pursuant to this section may be dis-
17 established unless, by not later than 90 days before the
18 date on which such team is disestablished, the Secretary
19 submits to the congressional defense committees notice of
20 the proposed disestablishment of the team and the date
21 on which the disestablishment is proposed to take place.”.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of Defense
24 shall submit to the congressional defense committees a re-

1 port on the Weapons of Mass Destruction Civil Support
2 Teams. The report shall include the following:

3 (1) A detailed description of risk management
4 criteria and considerations to be used in determining
5 the optimal number and location of Weapons of
6 Mass Destruction Civil Support Teams.

7 (2) A description of the operational and train-
8 ing activities conducted by the Weapons of Mass De-
9 struction Civil Support Teams during each of fiscal
10 years 2010, 2011, and 2012, and of such activities
11 planned for fiscal year 2013.

12 (3) An assessment of the optimal number and
13 location of Weapons of Mass Destruction Civil Sup-
14 port Teams in light of the information under para-
15 graphs (1) and (2).

16 (4) A comparative analysis of the cost of estab-
17 lishing Weapons of Mass Destruction Civil Support
18 Teams in the reserve components of the Armed
19 Forces (other than the National Guard) with the
20 cost of establishing Weapons of Mass Destruction
21 Civil Support Teams in the National Guard.

22 (5) A description of the portion of the costs of
23 Weapons of Mass Destruction Civil Support Teams
24 that is currently borne by the States.

1 (6) Any other matter that the Secretary deter-
2 mines is appropriate.

3 **TITLE XV—AUTHORIZATION OF**
4 **ADDITIONAL APPROPRIA-**
5 **TIONS FOR OVERSEAS CON-**
6 **TINGENCY OPERATIONS**

Subtitle A—Authorization of Additional Appropriations

- Sec. 1501. Purpose.
- Sec. 1502. Procurement.
- Sec. 1503. Research, development, test, and evaluation.
- Sec. 1504. Operation and maintenance.
- Sec. 1505. Military personnel.
- Sec. 1506. Working capital funds.
- Sec. 1507. Defense Health Program.
- Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1509. Defense Inspector General.

Subtitle B—Financial Matters

- Sec. 1521. Treatment as additional authorizations.
- Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

- Sec. 1531. Afghanistan Security Forces Fund.
- Sec. 1532. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1533. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.
- Sec. 1534. Plan for transition in funding of United States Special Operations Command from supplemental funding for overseas contingency operations to recurring funding under the future-years defense program.
- Sec. 1535. Assessment of counter-improvised explosive device training and intelligence activities of the Joint Improvised Explosive Device Defeat Organization and national and military intelligence Organizations.

7 **Subtitle A—Authorization of**
8 **Additional Appropriations**

9 **SEC. 1501. PURPOSE.**

10 The purpose of this subtitle is to authorize appropria-
11 tions for the Department of Defense for fiscal year 2013

1 to provide additional funds for overseas contingency oper-
2 ations being carried out by the Armed Forces.

3 **SEC. 1502. PROCUREMENT.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2013 for procurement accounts for the Army,
6 the Navy and the Marine Corps, the Air Force, and De-
7 fense-wide activities, as specified in the funding table in
8 section 4102.

9 **SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
10 **TION.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2013 for the use of the Department of Defense
13 for research, development, test, and evaluation, as speci-
14 fied in the funding table in section 4202.

15 **SEC. 1504. OPERATION AND MAINTENANCE.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2013 for the use of the Armed Forces and other
18 activities and agencies of the Department of Defense for
19 expenses, not otherwise provided for, for operation and
20 maintenance, as specified in the funding table in section
21 4302.

22 **SEC. 1505. MILITARY PERSONNEL.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2013 for the use of the Armed Forces and other
25 activities and agencies of the Department of Defense for

1 expenses, not otherwise provided for, for military per-
2 sonnel, as specified in the funding table in section 4402.

3 **SEC. 1506. WORKING CAPITAL FUNDS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2013 for the use of the Armed Forces and other
6 activities and agencies of the Department of Defense for
7 providing capital for working capital and revolving funds,
8 as specified in the funding table in section 4502.

9 **SEC. 1507. DEFENSE HEALTH PROGRAM.**

10 Funds are hereby authorized to be appropriated for
11 the Department of Defense for fiscal year 2013 for ex-
12 penses, not otherwise provided for, for the Defense Health
13 Program, as specified in the funding table in section 4502.

14 **SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG AC-**
15 **TIVITIES, DEFENSE-WIDE.**

16 Funds are hereby authorized to be appropriated for
17 the Department of Defense for fiscal year 2013 for ex-
18 penses, not otherwise provided for, for Drug Interdiction
19 and Counter-Drug Activities, Defense-wide, as specified in
20 the funding table in section 4502.

21 **SEC. 1509. DEFENSE INSPECTOR GENERAL.**

22 Funds are hereby authorized to be appropriated for
23 the Department of Defense for fiscal year 2013 for ex-
24 penses, not otherwise provided for, for the Office of the

1 Inspector General of the Department of Defense, as speci-
2 fied in the funding table in section 4502.

3 **Subtitle B—Financial Matters**

4 **SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

5 The amounts authorized to be appropriated by this
6 title are in addition to amounts otherwise authorized to
7 be appropriated by this Act.

8 **SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

9 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

10 (1) AUTHORITY.—Upon determination by the
11 Secretary of Defense that such action is necessary in
12 the national interest, the Secretary may transfer
13 amounts of authorizations made available to the De-
14 partment of Defense in this title for fiscal year 2013
15 between any such authorizations for that fiscal year
16 (or any subdivisions thereof). Amounts of authoriza-
17 tions so transferred shall be merged with and be
18 available for the same purposes as the authorization
19 to which transferred.

20 (2) LIMITATION.—The total amount of author-
21 izations that the Secretary may transfer under the
22 authority of this subsection may not exceed
23 \$3,000,000,000.

1 (b) TERMS AND CONDITIONS.—Transfers under this
2 section shall be subject to the same terms and conditions
3 as transfers under section 1001.

4 (c) ADDITIONAL AUTHORITY.—The transfer author-
5 ity provided by this section is in addition to the transfer
6 authority provided under section 1001.

7 **Subtitle C—Limitations and Other** 8 **Matters**

9 **SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) it is the responsibility of the Commander,
13 International Security Assistance Force/Commander,
14 United States Forces—Afghanistan to ensure the se-
15 curity of members of the Armed Forces deployed to
16 Afghanistan and to mitigate internal threats to such
17 forces to the greatest extent possible, while con-
18 tinuing to meet the objectives of the International
19 Security Assistance Force mission in Afghanistan,
20 including the training and equipping of the Afghan
21 National Security Forces so that they may provide
22 for their own security;

23 (2) the Afghan Public Protection Force must
24 meet and maintain key standards to provide force
25 protection for members of the Armed Forces; and

1 (3) if the Secretary of Defense determines that
2 the Afghan Public Protection Force is not meeting
3 such standards, the Secretary should take all appro-
4 priate actions to provide force protection for mem-
5 bers of the Armed Forces, including, if necessary,
6 having the Armed Forces provide for their own force
7 protection.

8 (b) CONTINUATION OF EXISTING LIMITATIONS ON
9 USE OF FUNDS IN FUND.—Funds available to the De-
10 partment of Defense for the Afghanistan Security Forces
11 Fund for fiscal year 2013 shall be subject to the condi-
12 tions contained in subsections (b) through (g) of section
13 1513 of the National Defense Authorization Act for Fiscal
14 Year 2008 (Public Law 110–181; 122 Stat. 428), as
15 amended by section 1531(b) of the Ike Skelton National
16 Defense Authorization Act for Fiscal Year 2011 (Public
17 Law 111–383; 124 Stat. 4424).

18 (c) AFGHAN PUBLIC PROTECTION FORCE.—

19 (1) SEMI-ANNUAL CERTIFICATIONS.—Not later
20 than 90 days after the date of the enactment of this
21 Act, and semiannually thereafter through December
22 31, 2014, the Secretary of Defense shall certify in
23 writing to the congressional defense committees the
24 elements specified in paragraph (3).

1 (2) REPORT FOLLOWING INABILITY TO CERTIFY
2 ANY ELEMENT.—If the Secretary determines that an
3 element specified in paragraph (3) cannot be cer-
4 tified in a report required by paragraph (1), the Sec-
5 retary shall submit to the congressional defense com-
6 mittees a report setting forth the following:

7 (A) An explanation why such element can-
8 not be certified.

9 (B) A description of the actions, if any,
10 that are being taken to mitigate the risk associ-
11 ated with such element.

12 (C) A description of the specific actions
13 being taken to achieve the certification of such
14 element, to the extent practicable.

15 (3) CERTIFICATION ELEMENTS.—The elements
16 of each certification specified in this paragraph are
17 the following:

18 (A) That each agreement between the
19 United States and the Government of Afghani-
20 stan, or any contract between the Department
21 of Defense and a contractor that subcontracts
22 to the Afghan Public Protection Force, con-
23 tains—

24 (i) uniform standards that ensure a
25 consistent level of security;

1 (ii) standard procedures and institu-
2 tional mechanisms for dispute resolution;

3 (iii) requirements for the Afghan Pub-
4 lic Protection Force to adhere to the Af-
5 ghan Public Protection Force Code of Con-
6 duct and applicable international stand-
7 ards, such as the Montreux Document, and
8 the International Code of Conduct for pri-
9 vate security service providers; and

10 (iv) provisions for the United States,
11 or the contractor, to take actions to ad-
12 dress the failure of the Afghan Public Pro-
13 tection Force to perform in a manner con-
14 sistent with the Afghan Public Protection
15 Force Code of Conduct and applicable
16 international standards.

17 (B) That all Afghan Public Protection
18 Force recruits and personnel are vetted under
19 procedures consistent with the vetting stand-
20 ards of the United States for the Afghan Na-
21 tional Security Forces as of the date of the en-
22 actment of this Act.

23 (C) That all Afghan Public Protection
24 Force recruits and personnel are biometrically

1 screened in an independent fashion by the
2 United States or contractors.

3 (D) In the case of contracts to provide
4 force protection at installations in Afghanistan
5 where the Armed Forces are garrisoned or
6 housed, that the Commander, International Se-
7 curity and Assistance Force/Commander,
8 United States Forces—Afghanistan, or des-
9 ignees, are provided the ability to—

10 (i) approve or disapprove arming au-
11 thorization for Afghan Public Protection
12 Force personnel performing activities at
13 such installations; and

14 (ii) account for and maintain records
15 of Afghan Public Protection Force per-
16 sonnel authorized to perform activities at
17 such installations.

18 (E) That the International Security and
19 Assistance Force Command has designated a
20 centralized entity within that Command author-
21 ized to provide oversight of coalition activities
22 relating to the Afghan Public Protection Force,
23 including consultations with the Afghanistan
24 Ministry of Interior regarding rules on the use

1 of force, violations of contract, and other per-
2 formance issues.

3 (F) That there is a mechanism in place
4 sufficient to—

5 (i) account for the transfer of any
6 United States Government-owned, con-
7 tractor-acquired defense articles to the Af-
8 ghan Public Protection Force; and

9 (ii) conduct end-use monitoring, of
10 such defense articles, including an inven-
11 tory of the existence and completeness of
12 any such defense articles.

13 (d) REPORTS.—

14 (1) INITIAL ASSESSMENT.—Not later than 90
15 days after the date of the enactment of this Act, the
16 Secretary of Defense shall submit to the congres-
17 sional defense committees a report setting forth an
18 assessment of the Afghan Public Protection Force.

19 (2) SUBSEQUENT ASSESSMENTS.—On a semi-
20 annual basis following the submittal of the report re-
21 quired by paragraph (1) through September 30,
22 2014, the Secretary shall submit to the congres-
23 sional defense committees an assessment of the
24 progress in the development of the Afghan Public
25 Protection Force during the preceding six months.

1 (3) ELEMENTS.—Each report under this sub-
2 section shall include the following:

3 (A) A description of the size and composi-
4 tion of the Afghan Public Protection Force.

5 (B) An assessment of the recruiting and
6 training for the Afghan Public Protection
7 Force.

8 (C) An assessment of the ability of the Af-
9 ghan Public Protection Force to perform its
10 tasks and missions.

11 (D) A description of measures of effective-
12 ness for evaluating the Afghan Public Protec-
13 tion Force.

14 (E) Any recommendations provided by the
15 United States to the Afghanistan Ministry of
16 Interior to improve the performance of the Af-
17 ghan Public Protection Force.

18 (F) A description of any instances of ter-
19 mination of contracts with the Afghan Public
20 Protection Force.

21 (G) An assessment of the ability of the
22 United States, or contractors, to hold the Af-
23 ghan Public Protection Force accountable for
24 gross or repeated violations.

1 (H) A description of the status of United
2 States Government-owned, contractor-acquired
3 defense articles provided to the Afghan Public
4 Protection Force.

5 (4) ADDITIONAL ELEMENTS DURING FISCAL
6 YEAR 2014 REPORTS.—Each report under paragraph
7 (2) submitted during fiscal year 2014 shall include
8 a plan, and any updates, on the post-2014 dispo-
9 sition of the Afghan Public Protection Force.

10 (5) SUBMITTAL WITH OTHER REPORTS.—Each
11 report under paragraph (2) may be submitted as
12 part of the report on progress toward security and
13 stability in Afghanistan that is submitted under sec-
14 tions 1230 and 1231 of the National Defense Au-
15 thorization Act for Fiscal Year 2008 (Public Law
16 110–181; 122 Stat. 385, 390).

17 (e) PLAN FOR USE OF AFGHANISTAN SECURITY
18 FORCES FUND THROUGH FISCAL YEAR 2017.—Not later
19 than 90 days after the date of the enactment of this Act,
20 the Secretary of Defense shall submit to the congressional
21 defense committees a plan for using funds available to the
22 Department of Defense to provide assistance to the secu-
23 rity forces of Afghanistan through the Afghanistan Secu-
24 rity Forces Fund through September 30, 2017.

1 (f) AGREEMENTS.—The Secretary of Defense shall
2 submit to the congressional committees a copy of each
3 agreement entered into by the United States and Afghani-
4 stan for services of the Afghan Public Protection Force
5 for the Department of Defense not later than 30 days
6 after entry into such agreement.

7 **SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
8 **FUND.**

9 (a) USE AND TRANSFER OF FUNDS.—Subsections
10 (b) and (c) of section 1514 of the John Warner National
11 Defense Authorization Act for Fiscal Year 2007 (Public
12 Law 109–364; 120 Stat. 2439), as in effect before the
13 amendments made by section 1503 of the Duncan Hunter
14 National Defense Authorization Act for Fiscal Year 2009
15 (Public Law 110–417; 122 Stat. 4649), shall apply to the
16 funds made available to the Department of Defense for
17 the Joint Improvised Explosive Device Defeat Fund for
18 fiscal year 2013. In providing prior notice to the congres-
19 sional defense committees of the obligation of funds from
20 the Joint Improvised Explosive Device Defeat Fund for
21 such fiscal year, as required by paragraph (4) of such sub-
22 section (c), the Secretary of Defense shall include the as-
23 sociated analysis of alternatives conducted in the process
24 of taking action to initiate any project for which the total

1 obligation of funds from the Fund will exceed
2 \$10,000,000.

3 (b) MONTHLY OBLIGATIONS AND EXPENDITURE RE-
4 PORTS.—Not later than 15 days after the end of each
5 month of fiscal year 2013, the Secretary of Defense shall
6 provide to the congressional defense committees a report
7 on the Joint Improvised Explosive Device Defeat Fund ex-
8 plaining monthly commitments, obligations, and expendi-
9 tures by line of operation.

10 (c) INTERDICTION OF IMPROVISED EXPLOSIVE DE-
11 VICE PRECURSOR CHEMICALS.—

12 (1) AVAILABILITY OF CERTAIN FISCAL YEAR
13 2013 FUNDS.—Of the funds made available to the
14 Department of Defense for the Joint Improvised Ex-
15 plosive Device Defeat Fund for fiscal year 2013,
16 \$15,000,000 may be available to the Secretary of
17 Defense to provide training, equipment, supplies,
18 and services to ministries and other entities of the
19 Government of Pakistan that the Secretary has iden-
20 tified as critical for countering the flow of impro-
21 vised explosive device precursor chemicals from
22 Pakistan to locations in Afghanistan.

23 (2) PROVISION THROUGH OTHER US AGEN-
24 CIES.—If jointly agreed upon by the Secretary of
25 Defense and the head of another department or

1 agency of the United States Government, the Sec-
2 retary of Defense may transfer funds available
3 under paragraph (1) to such department or agency
4 for the provision by such department or agency of
5 training, equipment, supplies, and services to min-
6 istries and other entities of the Government of Paki-
7 stan as described in that paragraph.

8 (3) NOTICE TO CONGRESS.—Funds may not be
9 used under the authority in paragraph (1) until 15
10 days after the date on which the Secretary of De-
11 fense submits to the congressional defense commit-
12 tees a notice—

13 (A) describing the training, equipment,
14 supplies, and services to be provided using such
15 funds; and

16 (B) evaluating the effectiveness of the ef-
17 forts by the Government of Pakistan to counter
18 the flow of improvised explosive device pre-
19 cursor chemicals from Pakistan to locations in
20 Afghanistan.

21 (4) EXPIRATION.—The authority provided by
22 this subsection expires on December 31, 2013.

1 **SEC. 1533. ONE-YEAR EXTENSION OF PROJECT AUTHORITY**
2 **AND RELATED REQUIREMENTS OF TASK**
3 **FORCE FOR BUSINESS AND STABILITY OPER-**
4 **ATIONS IN AFGHANISTAN.**

5 (a) **EXTENSION.**—Subsection (a) of section 1535 of
6 the Ike Skelton National Defense Authorization Act for
7 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426),
8 as amended by section 1534 of the National Defense Au-
9 thorization Act for Fiscal Year 2012 (Public Law 112–
10 81; 125 Stat. 1658), is further amended—

11 (1) in paragraph (6), by striking “October 31,
12 2011, and October 31, 2012” and inserting “Octo-
13 ber 31, 2011, October 31, 2012, and October 31,
14 2013”; and

15 (2) in paragraph (7)—

16 (A) by striking “provided in” and inserting
17 “to obligate funds for projects under”; and

18 (B) by striking “September 30, 2012” and
19 inserting “September 30, 2013”.

20 (b) **SCOPE OF PROJECTS.**—Paragraph (3) of such
21 subsection, as so amended, is further amended by striking
22 “focus on improving the commercial viability of” and in-
23 serting “complement”.

24 (c) **FUNDING.**—Paragraph (4) of such subsection, as
25 so amended, is further amended—

1 (1) by striking “The Secretary” and inserting
2 the following:

3 “(A) IN GENERAL.—The Secretary”;

4 (2) by striking “The amount” and all that fol-
5 lows through “appropriate congressional commit-
6 tees.” and inserting the following:

7 “(B) LIMITATION.—The amount of funds
8 obligated under the authority of subparagraph
9 (A)—

10 “(i) may not exceed \$150,000,000 for
11 fiscal year 2012, except that not more than
12 50 percent of such amount of funds may
13 be obligated until the Secretary of Defense
14 submits to the appropriate congressional
15 committees the plan required by subsection
16 (b); and

17 “(ii) may not exceed \$93,000,000 for
18 fiscal year 2013, except that not more than
19 \$50,000,000 of such amount of funds may
20 be obligated until the Secretary of Defense
21 submits to the appropriate congressional
22 committees the report required by para-
23 graph (7) of this subsection.”; and

24 (3) by striking “The funds” and inserting the
25 following:

1 “(C) AVAILABILITY.—The funds”.

2 (d) REPORT ON IMPLEMENTATION OF TRANSITION
3 ACTION PLAN.—Subsection (a) of section 1535 of the Ike
4 Skelton National Defense Authorization Act for Fiscal
5 Year 2011, as amended by section 1534 of the National
6 Defense Authorization Act for Fiscal Year 2012 and as
7 amended by this section, is further amended—

8 (1) by redesignating paragraph (7) as para-
9 graph (8); and

10 (2) by inserting after paragraph (6) the fol-
11 lowing new paragraph (7):

12 “(7) REPORT ON IMPLEMENTATION OF TRANSI-
13 TION ACTION PLAN.—

14 “(A) IN GENERAL.—The Secretary of De-
15 fense, in consultation with the Secretary of
16 State, shall submit to the appropriate congres-
17 sional committees a report on the progress in
18 implementing the Transition Action Plan of the
19 Task Force for Business and Stability Oper-
20 ations in Afghanistan.

21 “(B) UPDATES.—The Secretary of De-
22 fense, in consultation with the Secretary of
23 State, shall submit to the appropriate congres-
24 sional committees an update of the report re-

1 required by subparagraph (A) every 90 days after
2 the submission of such report.”.

3 **SEC. 1534. PLAN FOR TRANSITION IN FUNDING OF UNITED**
4 **STATES SPECIAL OPERATIONS COMMAND**
5 **FROM SUPPLEMENTAL FUNDING FOR OVER-**
6 **SEAS CONTINGENCY OPERATIONS TO RECUR-**
7 **RING FUNDING UNDER THE FUTURE-YEARS**
8 **DEFENSE PROGRAM.**

9 Not later than 90 days after the date of the enact-
10 ment of this Act, the Secretary of Defense shall submit
11 to the congressional defense committees a plan for the
12 transition of funding of the United States Special Oper-
13 ations Command from funds authorized to be appro-
14 priated for overseas contingency operations (commonly re-
15 ferred to as the “overseas contingency operations budget”)
16 to funds authorized to be appropriated for recurring oper-
17 ations of the Department of Defense in accordance with
18 applicable future-years defense programs under section
19 221 of title 10, United States Code (commonly referred
20 to as the “base budget”).

1 **SEC. 1535. ASSESSMENT OF COUNTER-IMPROVISED EXPL-**
2 **SIVE DEVICE TRAINING AND INTELLIGENCE**
3 **ACTIVITIES OF THE JOINT IMPROVISED EX-**
4 **PLOSIVE DEVICE DEFEAT ORGANIZATION**
5 **AND NATIONAL AND MILITARY INTEL-**
6 **LIGENCE ORGANIZATIONS.**

7 (a) ASSESSMENT OF TRAINING ACTIVITIES.—

8 (1) ASSESSMENT REQUIRED.—The Secretary of
9 Defense shall prepare an assessment of the training-
10 related activities of the Joint Improvised Explosive
11 Device Defeat Organization (JIEDDO).

12 (2) ELEMENTS.—The assessment required by
13 paragraph (1) shall—

14 (A) include all training programs and func-
15 tions, both enduring and non-enduring, exe-
16 cuted by the Joint Improvised Explosive Device
17 Defeat Organization in support of the United
18 States Armed Forces;

19 (B) identify any program or function that
20 is similar to or duplicates other training activi-
21 ties conducted elsewhere within the Department
22 of Defense; and

23 (C) assess the value of maintaining such
24 similarity or duplication.

25 (3) CONSULTATION.—The Secretary of Defense
26 shall prepare the assessment required by paragraph

1 (1) in consultation with the Chairman of the Joint
2 Chiefs of Staff and the other chiefs of staff of the
3 Armed Forces.

4 (4) SUBMISSION AND FORM.—Not later than
5 180 days after the date of the enactment of this Act,
6 the Secretary of Defense shall submit a report con-
7 taining the results of the assessment required by
8 paragraph (1) to the congressional defense commit-
9 tees. The report shall be submitted in unclassified
10 form, but may include a classified annex.

11 (b) ASSESSMENT OF INTELLIGENCE ACTIVITIES.—

12 (1) ASSESSMENT REQUIRED.—The Secretary of
13 Defense shall prepare an assessment of the intel-
14 ligence activities carried out in support of the
15 counter-improvised explosive device mission of the
16 Department of Defense.

17 (2) ELEMENTS.—The assessment required by
18 paragraph (1) shall—

19 (A) consider the activities of the Counter-
20 Improved Explosive Devise Operations Integra-
21 tion Center of the Joint Improvised Explosive
22 Device Defeat Organization, including—

23 (i) identification of all intelligence
24 analysis programs and functions executed
25 by the Counter-Improvised Explosive De-

1 vice Operations Integration Center in sup-
2 port of United States combatant com-
3 mands and United States military activi-
4 ties in Afghanistan;

5 (ii) identification of any program or
6 function which is duplicated elsewhere in
7 the intelligence components of the Depart-
8 ment of Defense or the intelligence com-
9 munity of the United States;

10 (iii) an assessment of the value of
11 maintaining such duplication; and

12 (iv) identification of any opportunities
13 to eliminate unnecessary duplication;

14 (B) consider the activities of the national
15 and military intelligence communities to counter
16 improvised explosive devices, including an as-
17 sessment of—

18 (i) the sufficiency, adequacy, and ef-
19 fectiveness of these efforts in support of
20 the commanders of combatant commands;

21 (ii) the prioritization of collection ef-
22 forts and resource allocation within the in-
23 telligence components of the Department
24 of Defense toward countering improvised
25 explosive devices; and

1 (iii) opportunities for improvement of
2 these efforts, including how these compo-
3 nents would support a broader counter im-
4 proved explosive device effort beyond op-
5 erations in Afghanistan; and

6 (C) consider the enduring need for a
7 Counter-Improvised Explosive Device Oper-
8 ations Integration Center and, if determined to
9 be necessary, how this center could be most ef-
10 ficiently and effectively integrated into the
11 broader Department of Defense intelligence
12 community.

13 (3) CONSULTATION.—The Secretary of Defense
14 shall prepare the assessment required by paragraph
15 (1) in consultation with the Director of National In-
16 telligence and the Chairman of the Joint Chiefs of
17 Staff.

18 (4) SUBMISSION AND FORM.—Not later than
19 180 days after the date of the enactment of this Act,
20 the Secretary of Defense shall submit a report con-
21 taining the results of the assessment required by
22 paragraph (1) to the congressional defense commit-
23 tees, the Permanent Select Committee on Intel-
24 ligence of the House of Representatives, and the Se-
25 lect Committee on Intelligence of the Senate. The re-

1 port shall be submitted in unclassified form, but
2 may include a classified annex.

3 **TITLE XVI—INDUSTRIAL BASE**
4 **MATTERS**

Subtitle A—Defense Industrial Base Matters

- Sec. 1601. Disestablishment of Defense Materiel Readiness Board.
- Sec. 1602. Assessment of effects of foreign boycotts.
- Sec. 1603. National security strategy for national technology and industrial base.

Subtitle B—Department of Defense Activities Related to Small Business Matters

- Sec. 1611. Role of the directors of small business programs in acquisition processes of the Department of Defense.
- Sec. 1612. Small Business Ombudsman for defense audit agencies.
- Sec. 1613. Independent assessment of Federal procurement contracting performance of the Department of Defense.
- Sec. 1614. Additional responsibilities of Inspector General of the Department of Defense.
- Sec. 1615. Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

- Sec. 1621. Procurement center representatives.
- Sec. 1622. Small Business Act contracting requirements training.
- Sec. 1623. Acquisition planning.

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

- Sec. 1631. Goals for procurement contracts awarded to small business concerns.
- Sec. 1632. Reporting on goals for procurement contracts awarded to small business concerns.
- Sec. 1633. Senior executives.

PART III—MENTOR-PROTEGE PROGRAMS

- Sec. 1641. Mentor-Protege programs.

PART IV—TRANSPARENCY IN SUBCONTRACTING

- Sec. 1651. Limitations on subcontracting.
- Sec. 1652. Penalties.
- Sec. 1653. Subcontracting plans.
- Sec. 1654. Notices of subcontracting opportunities.
- Sec. 1655. Publication of certain documents.

1 tional Defense Authorization Act for Fiscal Year 2008
2 (Public Law 110–181; 10 U.S.C. 117 note) is hereby
3 closed.

4 (c) REPEAL.—Subtitle G of title VIII of the National
5 Defense Authorization Act for Fiscal Year 2008 (Public
6 Law 110–181; 10 U.S.C. 117 note) is repealed.

7 **SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOY-**
8 **COTTS.**

9 Section 2505 of title 10, United States Code, is
10 amended—

11 (1) by redesignating subsection (d) as sub-
12 section (e); and

13 (2) by inserting after subsection (c) the fol-
14 lowing new subsection (d):

15 “(d) ASSESSMENT OF EXTENT OF EFFECTS OF FOR-
16 EIGN BOYCOTTS.—Each assessment under subsection (a)
17 shall include an examination of the extent to which the
18 national technology and industrial base is affected by for-
19 eign boycotts. If it is determined that a foreign boycott
20 (other than a boycott addressed in a previous assessment)
21 is subjecting the national technology and industrial base
22 to significant harm, the assessment shall include a sepa-
23 rate discussion and presentation regarding that foreign
24 boycott that shall, at a minimum—

1 “(1) identify the sectors that are subject to
2 such harm;

3 “(2) describe the harm resulting from such boy-
4 cott; and

5 “(3) identify actions necessary to minimize the
6 effects of such boycott on the national technology
7 and industrial base.”.

8 **SEC. 1603. NATIONAL SECURITY STRATEGY FOR NATIONAL**
9 **TECHNOLOGY AND INDUSTRIAL BASE.**

10 (a) REQUIREMENT FOR STRATEGY.—

11 (1) IN GENERAL.—Section 2501 of title 10,
12 United States Code, is amended as follows:

13 (A) The section heading is amended by
14 striking “**objectives concerning**” and in-
15 serting “**strategy for**”.

16 (B) Subsection (a) is amended—

17 (i) in the subsection heading, by strik-
18 ing “OBJECTIVES” and inserting “STRAT-
19 EGY”;

20 (ii) by striking “It is the policy of”
21 and all that follows through “objectives:”
22 and inserting the following: “The Secretary
23 of Defense shall develop a national security
24 strategy for the national technology and
25 industrial base. Such strategy shall be

1 based on a prioritized assessment of risks
2 and challenges to the defense supply chain
3 and shall ensure that the national tech-
4 nology and industrial base is capable of
5 achieving the following national security
6 objectives:”; and

7 (iii) by adding at the end the fol-
8 lowing new paragraphs:

9 “(9) Ensuring reliable sources of materials that
10 are critical to national security, such as specialty
11 metals, essential minerals, armor plate, and rare
12 earth elements.

13 “(10) Reducing, to the maximum extent prac-
14 ticable, the presence of counterfeit parts in the sup-
15 ply chain and the risk associated with such parts.”.

16 (2) CLERICAL AMENDMENT.—The item relating
17 to section 2501 in the table of sections at the begin-
18 ning of subchapter II of chapter 148 of such title is
19 amended to read as follows:

“2501. National security strategy for national technology and industrial base.”.

20 (b) AMENDMENT TO ANNUAL REPORT RELATING TO
21 DEFENSE INDUSTRIAL BASE.—Section 2504 of such title
22 is amended—

23 (1) by striking paragraph (2);

24 (2) by redesignating paragraph (3) as para-
25 graph (2); and

1 (3) by inserting after paragraph (2) (as so re-
2 designated) the following new paragraph (3):

3 “(3) Based on the strategy required by section
4 2501 of this title and on the assessments prepared
5 pursuant to section 2505 of this title—

6 “(A) a description of any mitigation strate-
7 gies necessary to address any gaps or
8 vulnerabilities in the national technology and
9 industrial base; and

10 “(B) any other steps necessary to foster
11 and safeguard the national technology and in-
12 dustrial base.”.

13 (c) REQUIREMENT FOR CONSIDERATION OF STRAT-
14 EGY IN ACQUISITION PLANS.—Section 2440 of such title
15 is amended by inserting after “base” the following: “, in
16 accordance with the strategy required by section 2501 of
17 this title,”.

18 (d) CONFORMING AMENDMENTS.—Section 852 of the
19 National Defense Authorization Act for Fiscal Year 2012
20 (Public Law 112–81; 125 Stat. 1517; 10 U.S.C. 2504
21 note) is amended—

22 (1) by striking subsection (c); and

23 (2) by redesignating subsection (d) as sub-
24 section (c), and in that subsection by striking “sub-

1 section (c).” in the first sentence and inserting “sec-
2 tion 2501 of title 10, United States Code.”.

3 **Subtitle B—Department of Defense**
4 **Activities Related to Small Busi-**
5 **ness Matters**

6 **SEC. 1611. ROLE OF THE DIRECTORS OF SMALL BUSINESS**
7 **PROGRAMS IN ACQUISITION PROCESSES OF**
8 **THE DEPARTMENT OF DEFENSE.**

9 (a) **GUIDANCE REQUIRED.**—The Secretary of De-
10 fense shall develop and issue guidance to ensure that the
11 head of each Office of Small Business Programs of the
12 Department of Defense is a participant as early as prac-
13 ticable in the acquisition processes—

14 (1) of the Department, in the case of the Direc-
15 tor of Small Business Programs in the Department
16 of Defense; and

17 (2) of the military department concerned, in the
18 case of the Director of Small Business Programs in
19 the Department of the Army, in the Department of
20 the Navy, and in the Department of the Air Force.

21 (b) **MATTERS TO BE INCLUDED.**—Such guidance
22 shall, at a minimum—

23 (1) require the Director of Small Business Pro-
24 grams in the Department of Defense—

1 (A) to provide advice to the Defense Acqui-
2 sition Board; and

3 (B) to provide advice to the Information
4 Technology Acquisition Board; and

5 (2) require coordination between the chiefs of
6 staff of the Armed Forces and the service acquisi-
7 tion executives, as appropriate (or their designees),
8 and the Director of Small Business Programs in
9 each military department as early as practical in the
10 relevant acquisition processes.

11 **SEC. 1612. SMALL BUSINESS OMBUDSMAN FOR DEFENSE**
12 **AUDIT AGENCIES.**

13 (a) **SMALL BUSINESS OMBUDSMAN.**—Subchapter II
14 of chapter 8 of title 10, United States Code, is amended
15 by adding at the end the following new section:

16 **“§ 204. Small Business Ombudsman for defense audit**
17 **agencies**

18 “(a) **SMALL BUSINESS OMBUDSMAN.**—The Secretary
19 of Defense shall designate within each defense audit agen-
20 cy an official as the Small Business Ombudsman to have
21 the duties described in subsection (b) and such other re-
22 sponsibilities as may be determined by the Secretary.

23 “(b) **DUTIES.**—The Small Business Ombudsman of
24 a defense audit agency shall—

1 “(1) advise the Director of the defense audit
2 agency on policy issues related to small business
3 concerns;

4 “(2) serve as the defense audit agency’s pri-
5 mary point of contact and source of information for
6 small business concerns;

7 “(3) collect and monitor relevant data regard-
8 ing the defense audit agency’s conduct of audits of
9 small business concerns, including—

10 “(A) data regarding the timeliness of audit
11 closeouts for small business concerns; and

12 “(B) data regarding the responsiveness of
13 the defense audit agency to issues or other mat-
14 ters raised by small business concerns; and

15 “(4) make recommendations to the Director re-
16 garding policies, processes, and procedures related to
17 the timeliness of audits of small business concerns
18 and the responsiveness of the defense audit agency
19 to issues or other matters raised by small business
20 concerns.

21 “(c) AUDIT INDEPENDENCE.—The Small Business
22 Ombudsman of a defense audit agency shall be segregated
23 from ongoing audits in the field and shall not engage in
24 activities with regard to particular audits that could com-

1 promise the independence of the defense audit agency or
2 undermine compliance with applicable audit standards.

3 “(d) DEFENSE AUDIT AGENCY DEFINED.—In this
4 section, the term ‘defense audit agency’ means the De-
5 fense Contract Audit Agency and the Defense Contract
6 Management Agency.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of subchapter II of chapter 8 of such
9 title is amended by inserting after the item relating to sec-
10 tion 203 the following new item:

“204. Small Business Ombudsman for defense audit agencies.”.

11 **SEC. 1613. INDEPENDENT ASSESSMENT OF FEDERAL PRO-**
12 **CUREMENT CONTRACTING PERFORMANCE**
13 **OF THE DEPARTMENT OF DEFENSE.**

14 (a) ASSESSMENT REQUIRED.—Not later than 60
15 days after the date of the enactment of this Act, the Sec-
16 retary of Defense shall select an appropriate entity to con-
17 duct an independent assessment of the procurement per-
18 formance of the Department of Defense related to small
19 business concerns.

20 (b) MATTERS COVERED.—The assessment under
21 subsection (a) shall, at a minimum, include an examina-
22 tion of—

23 (1) the industrial composition of companies re-
24 ceiving subcontracts pursuant to the test program
25 for the negotiation of comprehensive small business

1 subcontracting plans pursuant to section 834 of the
2 National Defense Authorization Act for Fiscal Years
3 1990 and 1991 (Public Law 101-189; 15 U.S.C.
4 637 note), compared to the industrial composition of
5 other contractors in the defense industrial base;

6 (2) the quality and reliability of data on small
7 business prime contracting and subcontracting by
8 the Department, and the reliability of the informa-
9 tion technology systems that the Department uses to
10 track such data;

11 (3) the negotiation and execution of small busi-
12 ness subcontracting plans, and the degree to which
13 proposed teaming agreements are or are not main-
14 tained through the performance of contracts;

15 (4) the extent to which the Department adheres
16 to current policies and guidelines relating to small
17 business prime contracting and subcontracting goals;

18 (5) the extent to which the Department bun-
19 dles, consolidates, or otherwise groups requirements
20 into contracts that are unsuitable for award to small
21 business concerns, the extent to which such bun-
22 dling, consolidation, or grouping of requirements is
23 justified, and the effects that such practices have on
24 small business participation in contracting opportu-
25 nities with the Department;

1 (6) the degree to which abuses of small busi-
2 ness contracting and subcontracting programs result
3 in contracts and subcontracts intended for small
4 business concerns not being awarded to small busi-
5 ness concerns; and

6 (7) an examination of the transition challenges
7 faced by businesses that graduate from small busi-
8 ness programs or grow to exceed the size standards
9 for participation in such programs, along with spe-
10 cific recommendations on steps that should be taken
11 to help ensure the continued health and growth of
12 such businesses.

13 (c) REPORT.—Not later than January 1, 2014, the
14 Secretary of Defense shall submit to the congressional de-
15 fense committees a report on the independent assessment
16 conducted under this section. The report shall include the
17 findings and recommendations of the assessment, together
18 with any recommendations that the Secretary may have
19 for improving the Department’s small business con-
20 tracting practices and addressing any shortcomings identi-
21 fied by the assessment.

1 **SEC. 1614. ADDITIONAL RESPONSIBILITIES OF INSPECTOR**
2 **GENERAL OF THE DEPARTMENT OF DE-**
3 **FENSE.**

4 (a) REQUIREMENT FOR EXTERNAL PEER RE-
5 VIEWS.—Section 8(c) of the Inspector General Act of
6 1978 (5 U.S.C. App.) is amended—

7 (1) by striking “and” at the end of paragraph
8 (8);

9 (2) by striking the period and inserting “; and”
10 at the end of paragraph (9); and

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

13 “(10) conduct, or approve arrangements for the
14 conduct of, external peer reviews of Department of
15 Defense audit agencies in accordance with and in
16 such frequency as provided by Government auditing
17 standards as established by the Comptroller General
18 of the United States.”.

19 (b) REQUIREMENT FOR ADDITIONAL INFORMATION
20 IN SEMIANNUAL REPORTS.—Section 8(f) of such Act is
21 amended by striking paragraph (1) and inserting the fol-
22 lowing:

23 “(1) Each semiannual report prepared by the Inspec-
24 tor General of the Department of Defense under section
25 5(a) shall be transmitted by the Secretary of Defense to
26 the Committees on Armed Services and on Homeland Se-

1 curity and Governmental Affairs of the Senate and the
2 Committees on Armed Services and on Oversight and Gov-
3 ernment Reform of the House of Representatives and to
4 other appropriate committees or subcommittees of Con-
5 gress. Each such report shall include—

6 “(A) information concerning the numbers and
7 types of contract audits conducted by the Depart-
8 ment during the reporting period; and

9 “(B) information concerning any Department of
10 Defense audit agency that, during the reporting pe-
11 riod, has either received a failed opinion from an ex-
12 ternal peer review or is overdue for an external peer
13 review required to be conducted in accordance with
14 subsection (c)(10).”.

15 **SEC. 1615. RESTORATION OF 1 PERCENT FUNDING FOR AD-**
16 **MINISTRATIVE EXPENSES OF COMMER-**
17 **CIALIZATION READINESS PROGRAM OF DE-**
18 **PARTMENT OF DEFENSE.**

19 (a) RESTORATION.—Section 9(y) of the Small Busi-
20 ness Act (15 U.S.C. 638(y)), as amended by section
21 5141(b)(1)(B) of the National Defense Authorization Act
22 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
23 1853) is amended—

24 (1) by redesignating paragraphs (4) and (5) as
25 paragraphs (5) and (6), respectively; and

1 (2) by inserting after paragraph (3) the fol-
2 lowing new paragraph (4):

3 “(4) FUNDING.—For payment of expenses in-
4 curred to administer the Commercialization Readiness
5 Program under this subsection, the Secretary
6 of Defense and each Secretary of a military depart-
7 ment is authorized to use not more than an amount
8 equal to 1 percent of the funds available to the De-
9 partment of Defense or the military department pur-
10 suant to the Small Business Innovation Research
11 Program. Such funds shall not be used to make
12 Phase III awards.”.

13 (b) TECHNICAL AMENDMENT.—Section
14 5141(b)(3)(B) of the National Defense Authorization Act
15 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
16 1854) is amended by striking “subsection (y)—” and all
17 that follows through “the following:” and inserting “sub-
18 section (y), by amending paragraph (4) to read as fol-
19 lows:”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect as of January 1, 2012.

1 **Subtitle C—Matters Relating to**
2 **Small Business Concerns**

3 **PART I—PROCUREMENT CENTER**

4 **REPRESENTATIVES**

5 **SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.**

6 (a) **IN GENERAL.**—Section 15(l) of the Small Busi-
7 ness Act (15 U.S.C. 644(l)) is amended by striking the
8 subsection enumerator and inserting the following:

9 “(1) **PROCUREMENT CENTER REPRESENTATIVES.**—
10 ”.

11 (b) **ASSIGNMENT AND ROLE.**—Paragraph (1) of sec-
12 tion 15(l) of such Act (15 U.S.C. 644(l)) is amended to
13 read as follows:

14 “(1) **ASSIGNMENT AND ROLE.**—The Adminis-
15 trator shall assign to each major procurement center
16 a procurement center representative with such as-
17 sistance as may be appropriate.”.

18 (c) **ACTIVITIES.**—Section 15(l)(2) of such Act (15
19 U.S.C. 644(l)(2)) is amended—

20 (1) in the matter preceding subparagraph (A),
21 by striking “(2) In addition to carrying out the re-
22 sponsibilities assigned by the Administration, a
23 breakout” and inserting the following:

24 “(2) **ACTIVITIES.**—A”;

25 (2) in subparagraph (B)—

1 (A) by striking “(B) review, at any time,
2 restrictions on competition” and inserting the
3 following:

4 “(B) review, at any time, barriers to small
5 business participation in Federal contracting”;

6 (B) by striking “items” and inserting
7 “goods and services”; and

8 (C) by striking “limitations” and inserting
9 “barriers”;

10 (3) in subparagraph (C), by striking “(C) re-
11 view restrictions on competition” and inserting the
12 following:

13 “(C) review barriers to small business par-
14 ticipation in Federal contracting”;

15 (4) by striking subparagraph (D) and inserting
16 the following:

17 “(D) review any bundled or consolidated
18 solicitation or contract in accordance with this
19 Act;”;

20 (5) by striking subparagraph (E) and inserting
21 the following:

22 “(E) have access to procurement records
23 and other data of the procurement center com-
24 mensurate with the level of such representa-
25 tive’s approved security clearance classification,

1 with such data provided upon request in elec-
2 tronic format, when available;” and

3 (6) by striking subparagraphs (F) and (G) and
4 inserting the following:

5 “(F) receive unsolicited proposals from
6 small business concerns and transmit such pro-
7 posals to personnel of the activity responsible
8 for reviewing such proposals, who shall furnish
9 the procurement center representative with in-
10 formation regarding the disposition of any such
11 proposal;

12 “(G) consult with the Director the Office
13 of Small and Disadvantaged Business Utiliza-
14 tion of that agency and the agency personnel
15 described in paragraph (7) and (8) of sub-
16 section (k) with regard to agency insourcing de-
17 cisions covered by subsection (k)(11);

18 “(H) be an advocate for the maximum
19 practicable utilization of small business con-
20 cerns in Federal contracting, including by advo-
21 cating against the consolidation or bundling of
22 contract requirements when not justified; and

23 “(I) carry out any other responsibility as-
24 signed by the Administrator.”.

1 (d) APPEALS.—Section 15(l)(3) of such Act (15
2 U.S.C. 644(l)(3)) is amended by striking “(3) A breakout
3 procurement center representative” and inserting the fol-
4 lowing:

5 “(3) APPEALS.—A procurement center rep-
6 resentative”.

7 (e) ASSIGNMENT TO MAJOR PROCUREMENT CEN-
8 TERS.—Paragraph (4) of section 15(l) of such Act (15
9 U.S.C. 644(l)) is amended by striking “breakout procure-
10 ment center representative” and inserting “procurement
11 center representative”.

12 (f) POSITION REQUIREMENTS.—Section 15(l)(5) of
13 such Act (15 U.S.C. 644(l)(5)) is amended—

14 (1) by striking the paragraph enumerator and
15 inserting the following:

16 “(5) POSITION REQUIREMENTS.—”;

17 (2) by striking subparagraphs (A) and (B) and
18 inserting the following:

19 “(A) IN GENERAL.—A procurement center
20 representative assigned under this subsection
21 shall—

22 “(i) be a full-time employee of the Ad-
23 ministration;

24 “(ii) be fully qualified, technically
25 trained, and familiar with the goods and

1 services procured by the major procure-
2 ment center to which that representative is
3 assigned; and

4 “(iii) have a Level III Federal Acqui-
5 sition Certification in Contracting (or any
6 successor certification) or the equivalent
7 Department of Defense certification, ex-
8 cept that any person serving in such a po-
9 sition on the date of enactment of this
10 clause may continue to serve in that posi-
11 tion for a period of 5 years without the re-
12 quired certification.”; and

13 (3) in subparagraph (C) by striking “(C) The
14 Administration shall establish personnel positions for
15 breakout procurement representatives and advisers
16 assigned pursuant to” and inserting the following:

17 “(B) COMPENSATION.—The Administrator
18 shall establish personnel positions for procure-
19 ment center representatives assigned under”.

20 (g) MAJOR PROCUREMENT CENTER DEFINED.—Sec-
21 tion 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amend-
22 ed—

23 (1) by striking “(6) For purposes” and insert-
24 ing the following:

1 “(6) MAJOR PROCUREMENT CENTER DE-
2 FINED.—For purposes”; and

3 (2) by striking “other than commercial items
4 and which has the potential to incur significant sav-
5 ings as the result of the placement of a breakout
6 procurement center representative” and inserting
7 “goods or services, including goods or services that
8 are commercially available”.

9 (h) TRAINING.—Section 15(l)(7) of such Act (15
10 U.S.C. 644(l)(7)) is amended—

11 (1) by striking the paragraph enumerator and
12 inserting the following:

13 “(7) TRAINING.—”;

14 (2) in subparagraph (A) by striking “(A) At
15 such times” and inserting the following:

16 “(A) AUTHORIZATION.—At such times”.

17 (3) in subparagraph (B)—

18 (A) by striking “(B) The breakout pro-
19 curement center representative” and inserting
20 the following:

21 “(8) ANNUAL BRIEFING AND REPORT.—A pro-
22 curement center representative”; and

23 (B) by striking “sixty” and inserting “60”;

24 and

1 (4) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) LIMITATION.—A procurement center
4 representative may provide training under sub-
5 paragraph (A) only to the extent that the train-
6 ing does not interfere with the representative
7 carrying out other activities under this sub-
8 section.”.

9 **SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIRE-**
10 **MENTS TRAINING.**

11 (a) ESTABLISHMENT.—Not later than 1 year after
12 the date of enactment of this part, the Defense Acquisition
13 University and the Federal Acquisition Institute shall each
14 provide a course on contracting requirements under the
15 Small Business Act, including the requirements for small
16 business concerns owned and controlled by service-disabled
17 veterans, qualified HUBZone small business concerns,
18 small business concerns owned and controlled by socially
19 and economically disadvantaged individuals, and small
20 business concerns owned and controlled by women.

21 (b) COURSE REQUIRED.—To have a Federal Acquisi-
22 tion Certification in Contracting (or any successor certifi-
23 cation) or the equivalent Department of Defense certifi-
24 cation an individual shall be required to complete the
25 course established under subsection (a).

1 (c) REQUIREMENT THAT BUSINESS OPPORTUNITY
2 SPECIALISTS BE CERTIFIED.—Section 7(j)(10)(D)(i) of
3 the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is
4 amended by inserting after “to assist such Program Par-
5 ticipant.” the following: “The Business Opportunity Spe-
6 cialist shall have a Level I Federal Acquisition Certifi-
7 cation in Contracting (or any successor certification) or
8 the equivalent Department of Defense certification, except
9 that a Business Opportunity Specialist serving at the time
10 of the date of enactment of the National Defense Author-
11 ization Act for Fiscal Year 2013 may continue to serve
12 as a Business Opportunity Specialist for a period of 5
13 years beginning on that date of enactment without such
14 a certification.”.

15 **SEC. 1623. ACQUISITION PLANNING.**

16 Section 15(e)(1) of the Small Business Act (15
17 U.S.C. 644(e)(1)) is amended—

18 (1) by striking “the various agencies” and in-
19 serting “a Federal department or agency”; and

20 (2) by striking the period and inserting “, and
21 each such Federal department or agency shall—

22 “(A) provide opportunities for the partici-
23 pation of small business concerns during acqui-
24 sition planning processes and in acquisition
25 plans; and

1 “(B) invite the participation of the appro-
2 priate Director of Small and Disadvantaged
3 Business Utilization in acquisition planning
4 processes and provide that Director access to
5 acquisition plans.”.

6 **PART II—GOALS FOR PROCUREMENT CON-**
7 **TRACTS AWARDED TO SMALL BUSINESS**
8 **CONCERNS**

9 **SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARD-**
10 **ED TO SMALL BUSINESS CONCERNS.**

11 (a) GOVERNMENTWIDE GOALS.—Paragraph (1) of
12 section 15(g) of the Small Business Act (15 U.S.C.
13 644(g)) is amended to read as follows:

14 “(1) GOVERNMENTWIDE GOALS.—

15 “(A) ESTABLISHMENT.—The President
16 shall annually establish Governmentwide goals
17 for procurement contracts awarded to small
18 business concerns, small business concerns
19 owned and controlled by service-disabled vet-
20 erans, qualified HUBZone small business con-
21 cerns, small business concerns owned and con-
22 trolled by socially and economically disadvan-
23 taged individuals, and small business concerns
24 owned and controlled by women in accordance
25 with the following:

1 “(i) The Governmentwide goal for
2 participation by small business concerns
3 shall be established at not less than 23
4 percent of the total value of all prime con-
5 tract awards for each fiscal year.

6 “(ii) The Governmentwide goal for
7 participation by small business concerns
8 owned and controlled by service-disabled
9 veterans shall be established at not less
10 than 3 percent of the total value of all
11 prime contract and subcontract awards for
12 each fiscal year.

13 “(iii) The Governmentwide goal for
14 participation by qualified HUBZone small
15 business concerns shall be established at
16 not less than 3 percent of the total value
17 of all prime contract and subcontract
18 awards for each fiscal year.

19 “(iv) The Governmentwide goal for
20 participation by small business concerns
21 owned and controlled by socially and eco-
22 nomically disadvantaged individuals shall
23 be established at not less than 5 percent of
24 the total value of all prime contract and
25 subcontract awards for each fiscal year.

1 “(v) The Governmentwide goal for
2 participation by small business concerns
3 owned and controlled by women shall be
4 established at not less than 5 percent of
5 the total value of all prime contract and
6 subcontract awards for each fiscal year.

7 “(B) ACHIEVEMENT OF GOVERNMENTWIDE
8 GOALS.—Each agency shall have an annual goal
9 that presents, for that agency, the maximum
10 practicable opportunity for small business con-
11 cerns, small business concerns owned and con-
12 trolled by service-disabled veterans, qualified
13 HUBZone small business concerns, small busi-
14 ness concerns owned and controlled by socially
15 and economically disadvantaged individuals, and
16 small business concerns owned and controlled
17 by women to participate in the performance of
18 contracts let by such agency. The Small Busi-
19 ness Administration and the Administrator for
20 Federal Procurement Policy shall, when exer-
21 cising their authority pursuant to paragraph
22 (2), insure that the cumulative annual prime
23 contract goals for all agencies meet or exceed
24 the annual Governmentwide prime contract goal

1 established by the President pursuant to this
2 paragraph.”.

3 (b) AMENDMENTS TO THE SMALL BUSINESS ACT.—

4 Paragraph (2) of section 15(g) of the Small Business Act
5 (15 U.S.C. 644(g)) is amended—

6 (1) in subparagraph (A), by adding at the end
7 the following: “Such goals shall separately address
8 prime contract awards and subcontract awards for
9 each category of small business covered.”;

10 (2) in subparagraph (D), by striking “For the
11 purpose of establishing goals under this subsection”
12 and all that follows through the end of that subpara-
13 graph, and inserting the following: “After estab-
14 lishing goals under this paragraph for a fiscal year,
15 the head of each Federal agency shall develop a plan
16 for achieving such goals at both the prime contract
17 and the subcontract level, which shall apportion re-
18 sponsibilities among the agency’s acquisition execu-
19 tives and officials. In establishing goals under this
20 paragraph, the head of each Federal agency shall
21 make a consistent effort to annually expand partici-
22 pation by small business concerns from each indus-
23 try category in procurement contracts and sub-
24 contracts of such agency, including participation by
25 small business concerns owned and controlled by

1 service-disabled veterans, qualified HUBZone small
2 business concerns, small business concerns owned
3 and controlled by socially and economically disadvan-
4 taged individuals, and small business concerns
5 owned and controlled by women.”; and

6 (3) by striking subparagraphs (E) and (F) and
7 inserting the following:

8 “(E) The head of each Federal agency, in
9 attempting to attain expanded participation
10 under subparagraph (D), shall consider—

11 “(i) contracts awarded as the result of
12 unrestricted competition; and

13 “(ii) contracts awarded after competi-
14 tion restricted to eligible small business
15 concerns under this section and under the
16 program established under section 8(a).

17 “(F)(i) Each procurement employee or
18 program manager described in clause (ii) shall
19 communicate to the subordinates of the pro-
20 curement employee or program manager the im-
21 portance of achieving goals established under
22 subparagraph (A).

23 “(ii) A procurement employee or program
24 manager described in this clause is a senior
25 procurement executive, senior program man-

1 ager, or Director of Small and Disadvantaged
2 Business Utilization of a Federal agency having
3 contracting authority.”.

4 (c) ADDITIONAL REQUIREMENTS.—Not later than
5 180 days after the date of the enactment of this part, the
6 Administrator of the Small Business Administration shall
7 review and revise the Goaling Guidelines for the Small
8 Business Preference Programs for Prime and Subcontract
9 Federal Procurement Goals and Achievements to the ex-
10 tent necessary to ensure that—

11 (1) agency subcontracting goals are established
12 on the basis of realistically achievable improvements
13 to levels of subcontracting rather than on the basis
14 of an average of previous years’ subcontracting per-
15 formance;

16 (2) agency contracting and subcontracting goals
17 are established in a manner that does not exclude
18 categories of contracts on the basis of—

19 (A) the type of goods or services for which
20 the agency contracts;

21 (B) in the case of contracts subject to
22 competitive procedures under chapter 33 of title
23 41, United States Code—

24 (i) whether or not funding for the
25 contracts is made directly available to the

1 agency by an Appropriations Act or is
2 made available by reimbursement from an-
3 other agency or account; or

4 (ii) whether or not the contract is sub-
5 ject to the Federal Acquisition Regulation;
6 and

7 (3) whenever an agency contracting or subcon-
8 tracting goal is established at a level lower than the
9 Governmentwide goal for small business concerns or
10 the relevant category of small business concerns, the
11 Administration is required to document the basis for
12 the decision to establish such lower goal.

13 (d) ASSESSMENT REQUIRED.—Not later than 60
14 days after the date of the enactment of this part, the Chief
15 Counsel for Advocacy of the Small Business Administra-
16 tion shall enter into a contract with an appropriate entity
17 to conduct an independent assessment of the small busi-
18 ness procurement goals established in section 15(g) of the
19 Small Business Act.

20 (1) COORDINATION WITH DEPARTMENT OF DE-
21 FENSE.—To the extent practicable, the Adminis-
22 trator shall coordinate this assessment with the Sec-
23 retary of Defense, to avoid unnecessary duplication
24 with the assessment required by section 1613 of this
25 title.

1 (2) MATTERS COVERED.—The assessment
2 under this subsection shall, at a minimum, include—

3 (A) a description of the industrial composi-
4 tion of companies receiving prime contracts and
5 subcontracts with the Federal Government;

6 (B) a description of the industrial composi-
7 tion of domestic small business concerns, small
8 business concerns owned and controlled by serv-
9 ice-disabled veterans, qualified HUBZone small
10 business concerns, small business concerns
11 owned and controlled by socially and economi-
12 cally disadvantaged individuals, and small busi-
13 ness concerns owned and controlled by women;

14 (C) a comparison of the industrial com-
15 position of prime contractors and subcontract-
16 ors participating in Federal contracting and
17 the industrial composition of domestic small
18 business concerns, small business concerns
19 owned and controlled by service-disabled vet-
20 erans, qualified HUBZone small business con-
21 cerns, small business concerns owned and con-
22 trolled by socially and economically disadvan-
23 taged individuals, and small business concerns
24 owned and controlled by women;

1 (D) a determination of barriers to accu-
2 rately capturing data on small business prime
3 contracting and subcontracting, including an
4 examination of the reliability of information
5 technology systems used by more than one Fed-
6 eral agency to track such data;

7 (E) recommendations for improving the
8 quality and availability of data regarding small
9 business prime contracting and subcontracting
10 performance;

11 (F) recommendations to improve and in-
12 form the establishment of the goals in section
13 15(g) of the Small Business Act, including:

14 (i) alternate methodologies for estab-
15 lishing the goals;

16 (ii) determining which contracts
17 should be subject to the goals;

18 (iii) methods for improving the cor-
19 relation of current goaling practices with
20 the health of the industrial base; and

21 (iv) methods of allocating goals be-
22 tween Federal agencies; and

23 (G) barriers within Federal procurement
24 practices that inhibit the maximum practicable
25 utilization of domestic small business concerns,

1 small business concerns owned and controlled
2 by service-disabled veterans, qualified
3 HUBZone small business concerns, small busi-
4 ness concerns owned and controlled by socially
5 and economically disadvantaged individuals, and
6 small business concerns owned and controlled
7 by women.

8 **SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT**
9 **CONTRACTS AWARDED TO SMALL BUSINESS**
10 **CONCERNS.**

11 Subsection (h) of section 15 of the Small Business
12 Act (15 U.S.C. 644) is amended to read as follows:

13 “(h) REPORTING ON GOALS FOR PROCUREMENT
14 CONTRACTS AWARDED TO SMALL BUSINESS CON-
15 CERNS.—

16 “(1) AGENCY REPORTS.—At the conclusion of
17 each fiscal year, the head of each Federal agency
18 shall submit to the Administrator a report describ-
19 ing—

20 “(A) the extent of the participation by
21 small business concerns, small business con-
22 cerns owned and controlled by veterans (includ-
23 ing service-disabled veterans), qualified
24 HUBZone small business concerns, small busi-
25 ness concerns owned and controlled by socially

1 and economically disadvantaged individuals, and
2 small business concerns owned and controlled
3 by women in the procurement contracts of such
4 agency during such fiscal year;

5 “(B) whether the agency achieved the
6 goals established for the agency under sub-
7 section (g)(2) with respect to such fiscal year;
8 and

9 “(C) any justifications for a failure to
10 achieve such goals.

11 “(2) REPORTS BY ADMINISTRATOR.—Not later
12 than 60 days after receiving a report from each Fed-
13 eral agency under paragraph (1) with respect to a
14 fiscal year, the Administrator shall submit to the
15 President and Congress, and to make available on a
16 public Web site, a report that includes—

17 “(A) a copy of each report submitted to
18 the Administrator under paragraph (1);

19 “(B) a determination of whether each goal
20 established by the President under subsection
21 (g)(1) for such fiscal year was achieved;

22 “(C) a determination of whether each goal
23 established by the head of a Federal agency
24 under subsection (g)(2) for such fiscal year was
25 achieved;

1 “(D) the reasons for any failure to achieve
2 a goal established under paragraph (1) or (2)
3 of subsection (g) for such fiscal year and a de-
4 scription of actions planned by the applicable
5 agency to address such failure, including the
6 Administrator’s comments and recommenda-
7 tions on the proposed remediation plan; and

8 “(E) for the Federal Government and each
9 Federal agency, an analysis of the number and
10 dollar amount of prime contracts awarded dur-
11 ing such fiscal year to—

12 “(i) small business concerns—

13 “(I) in the aggregate;

14 “(II) through sole source con-
15 tracts;

16 “(III) through competitions re-
17 stricted to small business concerns;

18 and

19 “(IV) through unrestricted com-
20 petition;

21 “(ii) small business concerns owned
22 and controlled by service-disabled vet-
23 erans—

24 “(I) in the aggregate;

1 “(II) through sole source con-
2 tracts;

3 “(III) through competitions re-
4 stricted to small business concerns;

5 “(IV) through competitions re-
6 stricted to small business concerns
7 owned and controlled by service-dis-
8 abled veterans; and

9 “(V) through unrestricted com-
10 petition;

11 “(iii) qualified HUBZone small busi-
12 ness concerns—

13 “(I) in the aggregate;

14 “(II) through sole source con-
15 tracts;

16 “(III) through competitions re-
17 stricted to small business concerns;

18 “(IV) through competitions re-
19 stricted to qualified HUBZone small
20 business concerns;

21 “(V) through unrestricted com-
22 petition where a price evaluation pref-
23 erence was used; and

1 “(VI) through unrestricted com-
2 petition where a price evaluation pref-
3 erence was not used;

4 “(iv) small business concerns owned
5 and controlled by socially and economically
6 disadvantaged individuals—

7 “(I) in the aggregate;

8 “(II) through sole source con-
9 tracts;

10 “(III) through competitions re-
11 stricted to small business concerns;

12 “(IV) through competitions re-
13 stricted to small business concerns
14 owned and controlled by socially and
15 economically disadvantaged individ-
16 uals;

17 “(V) through unrestricted com-
18 petition; and

19 “(VI) by reason of that concern’s
20 certification as a small business
21 owned and controlled by socially and
22 economically disadvantaged individ-
23 uals;

24 “(v) small business concerns owned by
25 an Indian tribe (as such term is defined in

1 section 8(a)(13)) other than an Alaska Na-
2 tive Corporation—

3 “(I) in the aggregate;

4 “(II) through sole source con-
5 tracts;

6 “(III) through competitions re-
7 stricted to small business concerns;

8 “(IV) through competitions re-
9 stricted to small business concerns
10 owned and controlled by socially and
11 economically disadvantaged individ-
12 uals; and

13 “(V) through unrestricted com-
14 petition;

15 “(vi) small business concerns owned
16 by a Native Hawaiian Organization—

17 “(I) in the aggregate;

18 “(II) through sole source con-
19 tracts;

20 “(III) through competitions re-
21 stricted to small business concerns;

22 “(IV) through competitions re-
23 stricted to small business concerns
24 owned and controlled by socially and

1 economically disadvantaged individ-
2 uals; and

3 “(V) through unrestricted com-
4 petition;

5 “(vii) small business concerns owned
6 by an Alaska Native Corporation—

7 “(I) in the aggregate;

8 “(II) through sole source con-
9 tracts;

10 “(III) through competitions re-
11 stricted to small business concerns;

12 “(IV) through competitions re-
13 stricted to small business concerns
14 owned and controlled by socially and
15 economically disadvantaged individ-
16 uals; and

17 “(V) through unrestricted com-
18 petition; and

19 “(viii) small business concerns owned
20 and controlled by women—

21 “(I) in the aggregate;

22 “(II) through competitions re-
23 stricted to small business concerns;

1 “(III) through competitions re-
2 stricted using the authority under sec-
3 tion 8(m)(2);

4 “(IV) through competitions re-
5 stricted using the authority under sec-
6 tion 8(m)(2) and in which the waiver
7 authority under section 8(m)(3) was
8 used; and

9 “(V) through unrestricted com-
10 petition; and

11 “(F) for the Federal Government, the
12 number, dollar amount, and distribution with
13 respect to the North American Industry Classi-
14 fication System of subcontracts awarded during
15 such fiscal year to small business concerns,
16 small business concerns owned and controlled
17 by service-disabled veterans, qualified
18 HUBZone small business concerns, small busi-
19 ness concerns owned and controlled by socially
20 and economically disadvantaged individuals, and
21 small business concerns owned and controlled
22 by women, provided that such information is
23 publicly available through data systems devel-
24 oped pursuant to the Federal Funding Account-
25 ability and Transparency Act of 2006 (Public

1 Law 109–282), or otherwise available as pro-
2 vided in paragraph (3).

3 “(3) ACCESS TO DATA.—

4 “(A) FEDERAL PROCUREMENT DATA SYS-
5 TEM.—To assist in the implementation of this
6 section, the Administration shall have access to
7 information collected through the Federal Pro-
8 curement Data System, Federal Subcontracting
9 Reporting System, or any new or successor sys-
10 tem.

11 “(B) AGENCY PROCUREMENT DATA
12 SOURCES.—To assist in the implementation of
13 this section, the head of each contracting agen-
14 cy shall provide, upon request of the Adminis-
15 tration, procurement information collected
16 through agency data collection sources in exist-
17 ence at the time of the request. Contracting
18 agencies shall not be required to establish new
19 data collection systems to provide such data.”.

20 **SEC. 1633. SENIOR EXECUTIVES.**

21 (a) TRAINING.—Programs established for the devel-
22 opment of senior executives under section 3396(a) of title
23 5, United States Code, shall include training with respect
24 to Federal procurement requirements, including con-

1 tracting requirements under the Small Business Act (15
2 U.S.C. 631 et seq.).

3 (b) RESPONSIBILITY FOR ACHIEVING SMALL BUSI-
4 NESS GOALS.—The head of an agency shall take steps to
5 ensure that members of the senior executive service, as
6 defined under section 3396(a) of title 5, United States
7 Code, responsible for acquisition, other senior officials re-
8 sponsible for acquisition, and other members of the senior
9 executive service, as appropriate, assume responsibility for
10 of the agency’s success in achieving small business con-
11 tracting goals and percentages by—

12 (1) promoting a climate or environment that is
13 responsive to small business concerns;

14 (2) communicating the importance of achieving
15 the agency’s small business contracting goals; and

16 (3) encouraging small business awareness, out-
17 reach, and support.

18 (c) DEFINITIONS.—In this section the term “respon-
19 sible for acquisition”, with respect to a member of the sen-
20 ior executive service or other senior official, means such
21 a member or official who acquires services or supplies, di-
22 rects agency organizations to acquire services or supplies,
23 oversees acquisition officials, including program managers,
24 contracting officers, and other acquisition workforce per-

1 sonnel responsible for formulating and approving acquisi-
2 tion strategies and plans.

3 **PART III—MENTOR-PROTEGE PROGRAMS**

4 **SEC. 1641. MENTOR-PROTEGE PROGRAMS.**

5 The Small Business Act (15 U.S.C. 631 et seq.) is
6 amended—

7 (1) by redesignating section 45 as section 47;

8 and

9 (2) by inserting after section 44 the following:

10 **“SEC. 45. MENTOR-PROTEGE PROGRAMS.**

11 **“(a) ADMINISTRATION PROGRAM.—**

12 **“(1) AUTHORITY.—**The Administrator is au-
13 thORIZED to establish a mentor-protege program for
14 all small business concerns.

15 **“(2) MODEL FOR PROGRAM.—**The mentor-pro-
16 tege program established under paragraph (1) shall
17 be identical to the mentor-protege program of the
18 Administration for small business concerns that par-
19 ticipate in the program under section 8(a) (as in ef-
20 fect on the date of enactment of this section), except
21 that the Administrator may modify the program to
22 the extent necessary given the types of small busi-
23 ness concerns included as proteges.

24 **“(b) PROGRAMS OF OTHER AGENCIES.—**

1 “(1) APPROVAL REQUIRED.—Except as pro-
2 vided in paragraph (4), a Federal department or
3 agency may not carry out a mentor-protege program
4 for small business concerns unless—

5 “(A) the head of the department or agency
6 submits a plan to the Administrator for the
7 program; and

8 “(B) the Administrator approves such
9 plan.

10 “(2) BASIS FOR APPROVAL.—The Adminis-
11 trator shall approve or disapprove a plan submitted
12 under paragraph (1) based on whether the program
13 proposed—

14 “(A) will assist proteges to compete for
15 Federal prime contracts and subcontracts; and

16 “(B) complies with the regulations issued
17 under paragraph (3).

18 “(3) REGULATIONS.—Not later than 270 days
19 after the date of enactment of this section, the Ad-
20 ministrator shall issue, subject to notice and com-
21 ment, regulations with respect to mentor-protege
22 programs, which shall ensure that such programs
23 improve the ability of proteges to compete for Fed-
24 eral prime contracts and subcontracts and which
25 shall address, at a minimum, the following:

1 “(A) Eligibility criteria for program par-
2 ticipants, including any restrictions on the num-
3 ber of mentor-protege relationships permitted
4 for each participant.

5 “(B) The types of developmental assistance
6 to be provided by mentors, including how the
7 assistance provided shall improve the competi-
8 tive viability of the proteges.

9 “(C) Whether any developmental assist-
10 ance provided by a mentor may affect the sta-
11 tus of a program participant as a small busi-
12 ness concern due to affiliation.

13 “(D) The length of mentor-protege rela-
14 tionships.

15 “(E) The effect of mentor-protege relation-
16 ships on contracting.

17 “(F) Benefits that may accrue to a mentor
18 as a result of program participation.

19 “(G) Reporting requirements during pro-
20 gram participation.

21 “(H) Postparticipation reporting require-
22 ments.

23 “(I) The need for a mentor-protege pair, if
24 accepted to participate as a pair in a mentor-
25 protege program of any Federal department or

1 agency, to be accepted to participate as a pair
2 in all Federal mentor-protege programs.

3 “(J) Actions to be taken to ensure benefits
4 for proteges and to protect a protege against
5 actions by a mentor that—

6 “(i) may adversely affect the protege’s
7 status as a small business concern; or

8 “(ii) provide disproportionate eco-
9 nomic benefits to the mentor relative to
10 those provided the protege.

11 “(4) LIMITATION ON APPLICABILITY.—Para-
12 graph (1) does not apply to the following:

13 “(A) Any mentor-protege program of the
14 Department of Defense.

15 “(B) Any mentoring assistance provided
16 under a Small Business Innovation Research
17 Program or a Small Business Technology
18 Transfer Program.

19 “(C) Until the date that is 1 year after the
20 date on which the Administrator issues regula-
21 tions under paragraph (3), any Federal depart-
22 ment or agency operating a mentor-protege pro-
23 gram in effect on the date of enactment of this
24 section.

25 “(c) REPORTING.—

1 “(1) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this section, and an-
3 nually thereafter, the Administrator shall submit to
4 the Committee on Small Business of the House of
5 Representatives and the Committee on Small Busi-
6 ness and Entrepreneurship of the Senate a report
7 that—

8 “(A) identifies each Federal mentor-pro-
9 tege program;

10 “(B) specifies the number of participants
11 in each such program, including the number of
12 participants that are—

13 “(i) small business concerns;

14 “(ii) small business concerns owned
15 and controlled by service-disabled veterans;

16 “(iii) qualified HUBZone small busi-
17 ness concerns;

18 “(iv) small business concerns owned
19 and controlled by socially and economically
20 disadvantaged individuals; or

21 “(v) small business concerns owned
22 and controlled by women;

23 “(C) describes the type of assistance pro-
24 vided to proteges under each such program;

1 “(D) describes the benefits provided to
2 mentors under each such program; and

3 “(E) describes the progress of proteges
4 under each such program with respect to com-
5 peting for Federal prime contracts and sub-
6 contracts.

7 “(2) PROVISION OF INFORMATION.—The head
8 of each Federal department or agency carrying out
9 a mentor-protege program shall provide to the Ad-
10 ministrator, on an annual basis, the information nec-
11 essary for the Administrator to submit a report re-
12 quired under paragraph (1).

13 “(d) DEFINITIONS.—In this section, the following
14 definitions apply:

15 “(1) MENTOR.—The term ‘mentor’ means a
16 for-profit business concern, of any size, that—

17 “(A) has the ability to assist and commits
18 to assisting a protege to compete for Federal
19 prime contracts and subcontracts; and

20 “(B) satisfies any other requirements im-
21 posed by the Administrator.

22 “(2) MENTOR-PROTEGE PROGRAM.—The term
23 ‘mentor-protege program’ means a program that
24 pairs a mentor with a protege for the purpose of as-

1 sisting the protege to compete for Federal prime
2 contracts and subcontracts.

3 “(3) PROTEGE.—The term ‘protege’ means a
4 small business concern that—

5 “(A) is eligible to enter into Federal prime
6 contracts and subcontracts; and

7 “(B) satisfies any other requirements im-
8 posed by the Administrator.

9 “(e) CURRENT MENTOR PROTEGE AGREEMENTS.—
10 Mentors and proteges with approved agreement in a pro-
11 gram operating pursuant to subsection (b)(4)(C) shall be
12 permitted to continue their relationship according to the
13 terms specified in their agreement until the expiration
14 date specified in the agreement.

15 “(f) SUBMISSION OF AGENCY PLANS.—Agencies op-
16 erating mentor protege programs pursuant to subsection
17 (b)(4)(C) shall submit the plans specified in subsection
18 (b)(1)(A) to the Administrator within 6 months of the pro-
19 mulgation of rules required by subsection (b)(3). The Ad-
20 ministrator shall provide initial comments on each plan
21 within 60 days of receipt, and final approval or denial of
22 each plan within 180 days after receipt.”.

1 **PART IV—TRANSPARENCY IN SUBCONTRACTING**

2 **SEC. 1651. LIMITATIONS ON SUBCONTRACTING.**

3 The Small Business Act (15 U.S.C. 631 et seq.) is
4 amended by inserting before section 47 (as redesignated
5 by section 1641 of this subtitle) the following:

6 **“SEC. 46. LIMITATIONS ON SUBCONTRACTING.**

7 “(a) IN GENERAL.—If awarded a contract under sec-
8 tion 8(a), 8(m), 15(a), 31, or 36, a covered small business
9 concern—

10 “(1) in the case of a contract for services, may
11 not expend on subcontractors more than 50 percent
12 of the amount paid to the concern under the con-
13 tract;

14 “(2) in the case of a contract for supplies
15 (other than from a regular dealer in such supplies),
16 may not expend on subcontractors more than 50
17 percent of the amount, less the cost of materials,
18 paid to the concern under the contract;

19 “(3) in the case of a contract described in para-
20 graphs (1) and (2)—

21 “(A) shall determine for which category,
22 services (as described in paragraph (1)) or sup-
23 plies (as described in paragraph (2)), the great-
24 est percentage of the contract is awarded;

1 “(B) shall determine the amount awarded
2 under the contract for that category of services
3 or supplies; and

4 “(C) may not expend on subcontractors,
5 with respect to the amount determined under
6 subparagraph (B), more than 50 percent of
7 that amount; and

8 “(4) in the case of a contract for supplies from
9 a regular dealer in such supplies, shall supply the
10 product of a domestic small business manufacturer
11 or processor, unless a waiver of such requirement is
12 granted—

13 “(A) by the Administrator, after reviewing
14 a determination by the applicable contracting
15 officer that no small business manufacturer or
16 processor can reasonably be expected to offer a
17 product meeting the specifications (including
18 period for performance) required by the con-
19 tract; or

20 “(B) by the Administrator for a product
21 (or class of products), after determining that no
22 small business manufacturer or processor is
23 available to participate in the Federal procure-
24 ment market.

1 “(b) SIMILARLY SITUATED ENTITIES.—Contract
2 amounts expended by a covered small business concern on
3 a subcontractor that is a similarly situated entity shall not
4 be considered subcontracted for purposes of determining
5 whether the covered small business concern has violated
6 a requirement established under subsection (a) or (d).

7 “(c) MODIFICATIONS OF PERCENTAGES.—The Ad-
8 ministrator may change, by rule (after providing notice
9 and an opportunity for public comment), a percentage
10 specified in paragraphs (1) through (4) of subsection (a)
11 if the Administrator determines that such change is nec-
12 essary to reflect conventional industry practices among
13 business concerns that are below the numerical size stand-
14 ard for businesses in that industry category.

15 “(d) OTHER CONTRACTS.—

16 “(1) IN GENERAL.—With respect to a category
17 of contracts to which a requirement under sub-
18 section (a) does not apply, the Administrator is au-
19 thorized to establish, by rule (after providing notice
20 and an opportunity for public comment), a require-
21 ment that a covered small business concern may not
22 expend on subcontractors more than a specified per-
23 centage of the amount paid to the concern under a
24 contract in that category.

1 “(2) UNIFORMITY.—A requirement established
2 under paragraph (1) shall apply to all covered small
3 business concerns.

4 “(3) CONSTRUCTION PROJECTS.—The Adminis-
5 trator shall establish, through public rulemaking, re-
6 quirements similar to those specified in paragraph
7 (1) to be applicable to contracts for general and spe-
8 cialty construction and to contracts for any other in-
9 dustry category not otherwise subject to the require-
10 ments of such paragraph. The percentage applicable
11 to any such requirement shall be determined in ac-
12 cordance with paragraph (1).

13 “(e) DEFINITIONS.—In this section, the following
14 definitions apply:

15 “(1) COVERED SMALL BUSINESS CONCERN.—
16 The term ‘covered small business concern’ means a
17 business concern that—

18 “(A) with respect to a contract awarded
19 under section 8(a), is a small business concern
20 eligible to receive contracts under that section;

21 “(B) with respect to a contract awarded
22 under section 8(m)—

23 “(i) is a small business concern owned
24 and controlled by women (as defined in
25 that section); or

1 “(ii) is a small business concern
2 owned and controlled by women (as de-
3 fined in that section) that is not less than
4 51 percent owned by 1 or more women
5 who are economically disadvantaged (and
6 such ownership is determined without re-
7 gard to any community property law);

8 “(C) with respect to a contract awarded
9 under section 15(a), is a small business con-
10 cern;

11 “(D) with respect to a contract awarded
12 under section 31, is a qualified HUBZone small
13 business concern; or

14 “(E) with respect to a contract awarded
15 under section 36, is a small business concern
16 owned and controlled by service-disabled vet-
17 erans.

18 “(2) SIMILARLY SITUATED ENTITY.—The term
19 ‘similarly situated entity’ means a subcontractor
20 that—

21 “(A) if a subcontractor for a small busi-
22 ness concern, is a small business concern;

23 “(B) if a subcontractor for a small busi-
24 ness concern eligible to receive contracts under
25 section 8(a), is such a concern;

1 “(C) if a subcontractor for a small busi-
2 ness concern owned and controlled by women
3 (as defined in section 8(m)), is such a concern;

4 “(D) if a subcontractor for a small busi-
5 ness concern owned and controlled by women
6 (as defined in section 8(m)) that is not less
7 than 51 percent owned by 1 or more women
8 who are economically disadvantaged (and such
9 ownership is determined without regard to any
10 community property law), is such a concern;

11 “(E) if a subcontractor for a qualified
12 HUBZone small business concern, is such a
13 concern; or

14 “(F) if a subcontractor for a small busi-
15 ness concern owned and controlled by service-
16 disabled veterans, is such a concern.”.

17 **SEC. 1652. PENALTIES.**

18 Section 16 of the Small Business Act (15 U.S.C. 645)
19 is amended by adding at the end the following:

20 “(g) SUBCONTRACTING LIMITATIONS.—

21 “(1) IN GENERAL.—Whoever violates a require-
22 ment established under section 46 shall be subject to
23 the penalties prescribed in subsection (d), except
24 that, for an entity that exceeded a limitation on sub-
25 contracting under such section, the fine described in

1 subsection (d)(2)(A) shall be treated as the greater
2 of—

3 “(A) \$500,000; or

4 “(B) the dollar amount expended, in excess
5 of permitted levels, by the entity on subcontractors.
6

7 “(2) MONITORING.—Not later than 1 year after
8 the date of enactment of this subsection, the Administrator shall take such actions as are necessary to
9 ensure that an existing Federal subcontracting reporting system is modified to notify the Administrator, the appropriate Director of the Office of
10 Small and Disadvantaged Business Utilization, and
11 the appropriate contracting officer if a requirement
12 established under section 46 is violated.”
13
14
15

16 **SEC. 1653. SUBCONTRACTING PLANS.**

17 (a) AMENDMENTS TO SMALL BUSINESS ACT REQUIREMENTS.—Section 8(d) of the Small Business Act
18 (15 U.S.C. 637(d)) is amended by—
19

20 (1) redesignating paragraphs (7), (8), (9), (10),
21 (11), and (12) as paragraphs (8), (9), (10), (11),
22 (12), and (13) respectively;

23 (2) inserting after paragraph (6) the following:

24 “(7) The head of the contracting agency shall
25 ensure that—

1 “(A) the agency collects and reports data
2 on the extent to which contractors of the agen-
3 cy meet the goals and objectives set forth in
4 subcontracting plans submitted pursuant to this
5 subsection; and

6 “(B) the agency periodically reviews data
7 collected and reported pursuant to subpara-
8 graph (A) for the purpose of ensuring that such
9 contractors comply in good faith with the re-
10 quirements of this subsection and subcon-
11 tracting plans submitted by the contractors
12 pursuant to this subsection.”;

13 (3) in paragraph (9), as redesignated by para-
14 graph (1) of this subsection, striking “shall be a ma-
15 terial breach of such contract or subcontract” and
16 inserting “shall be a material breach of such con-
17 tract or subcontract and may be considered in any
18 past performance evaluation of the contractor”;

19 (4) in subparagraph (C) of paragraph (11), as
20 redesignated by paragraph (1) of this subsection, by
21 striking “, either on a contract-by-contract basis, or
22 in the case contractors” and inserting “as a supple-
23 ment to evaluations performed by the contracting
24 agency, either on a contract-by-contract basis or, in
25 the case of contractors”; and

1 (5) by adding at the end the following:

2 “(14) An offeror for a covered contract that in-
3 tends to identify a small business concern as a po-
4 tential subcontractor in a bid or proposal for the
5 contract, or in a plan submitted pursuant to this
6 subsection in connection with the contract, shall no-
7 tify the small business concern prior to making such
8 identification.

9 “(15) The Administrator shall establish a re-
10 porting mechanism that allows a subcontractor or
11 potential subcontractor to report fraudulent activity
12 or bad faith by a contractor with respect to a sub-
13 contracting plan submitted pursuant to this sub-
14 section.”.

15 (b) ADDITIONAL REQUIREMENTS.—

16 (1) REPORTING REQUIREMENTS.—Not later
17 than 1 year after the date of the enactment of this
18 part, the Administrator of the Small Business Ad-
19 ministration shall take such actions as are necessary
20 to ensure that the electronic subcontracting report-
21 ing system established by the Administration to
22 carry out the requirement of section 8(d)(6)(E) of
23 the Small Business Act is modified to ensure that it
24 can identify entities that fail to submit required re-
25 ports.

1 (2) ANNUAL REPORT.—Not later than March
2 31 of each year, the Administrator of the Small
3 Business Administration shall provide the Com-
4 mittee on Small Business of the House of Rep-
5 resentatives and the Committee on Small Business
6 and Entrepreneurship of the Senate a report, based
7 on data available through existing systems, that sets
8 forth, by agency (and to the extent practicable, by
9 type of goal or plan), the following information:

10 (A) the percentage of entities required to
11 submit reports pursuant to section 8(d)(6) of
12 the Small Business Act that filed such reports
13 and that failed to file such reports during the
14 prior fiscal year;

15 (B) the percentage of entities filing such
16 reports that met, exceeded, or failed to meet
17 goals set forth in their subcontracting plans
18 during the prior fiscal year; and

19 (C) the aggregate value by which such en-
20 tities exceeded, or failed to meet, their subcon-
21 tracting goals during the prior fiscal year.

22 **SEC. 1654. NOTICES OF SUBCONTRACTING OPPORTUNI-**
23 **TIES.**

24 Section 8(k)(1) of the Small Business Act (15 U.S.C.
25 637(k)(1)) is amended by striking “in the Commerce

1 Business Daily” and inserting “on the appropriate Fed-
2 eral Web site (as determined by the Administrator)”.

3 **SEC. 1655. PUBLICATION OF CERTAIN DOCUMENTS.**

4 Not later than 270 days after the date of the enact-
5 ment of this part, the Director of the Office of Manage-
6 ment and Budget shall publish procedures and methodolo-
7 gies to be used by Federal agencies with respect to deci-
8 sions to convert a function being performed by a small
9 business concern to performance by a Federal employee,
10 including procedures and methodologies for determining
11 which contracts will be studied for potential conversion;
12 procedures and methodologies by which a contract is eval-
13 uated as inherently governmental or as a critical agency
14 function; and procedures and methodologies for estimating
15 and comparing costs. Should a Federal agency develop any
16 agency-specific methodologies for identifying critical agen-
17 cy functions or supplemental implementation guidance,
18 such methodologies and guidance shall be published upon
19 implementation.

20 **PART V—SMALL BUSINESS CONCERN SIZE**

21 **STANDARDS**

22 **SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.**

23 Section 3 of the Small Business Act (15 U.S.C. 632)
24 is amended—

1 (1) by striking “SEC. 3.” and inserting the fol-
2 lowing:

3 **“SEC. 3. DEFINITIONS.”;**

4 and

5 (2) in subsection (a)—

6 (A) by striking the subsection enumerator
7 and inserting the following:

8 “(a) SMALL BUSINESS CONCERNS.—”;

9 (B) in paragraph (1), by striking “(1) For
10 the purposes” and inserting the following:

11 “(1) IN GENERAL.—For the purposes”;

12 (C) in paragraph (3), by striking “(3)
13 When establishing” and inserting the following:

14 “(3) VARIATION BY INDUSTRY AND CONSIDER-
15 ATION OF OTHER FACTORS.—When establishing”;

16 (D) by moving paragraph (5), including
17 each subparagraph and clause therein, 2 ems to
18 the right; and

19 (E) by adding at the end the following:

20 “(6) PROPOSED RULEMAKING.—In conducting
21 rulemaking to revise, modify or establish size stand-
22 ards pursuant to this section, the Administrator
23 shall consider, and address, and make publicly avail-
24 able as part of the notice of proposed rulemaking
25 and notice of final rule each of the following:

1 “(A) a detailed description of the industry
2 for which the new size standard is proposed;

3 “(B) an analysis of the competitive envi-
4 ronment for that industry;

5 “(C) the approach the Administrator used
6 to develop the proposed standard including the
7 source of all data used to develop the proposed
8 rule making; and

9 “(D) the anticipated effect of the proposed
10 rulemaking on the industry, including the num-
11 ber of concerns not currently considered small
12 that would be considered small under the pro-
13 posed rule making and the number of concerns
14 currently considered small that would be
15 deemed other than small under the proposed
16 rulemaking.

17 “(7) COMMON SIZE STANDARDS.—In carrying
18 out this subsection, the Administrator may establish
19 or approve a single size standard for a grouping of
20 4-digit North American Industry Classification Sys-
21 tem codes only if the Administrator makes publicly
22 available, not later than the date on which such size
23 standard is established or approved, a justification
24 demonstrating that such size standard is appropriate

1 for each individual industry classification included in
2 the grouping.

3 “(8) NUMBER OF SIZE STANDARDS.—The Ad-
4 ministrator shall not limit the number of size stand-
5 ards established pursuant to paragraph (2), and
6 shall assign the appropriate size standard to each
7 North American Industry Classification System
8 Code.”.

9 **PART VI—CONTRACT BUNDLING**

10 **SEC. 1671. CONTRACT BUNDLING.**

11 (a) CONSTRUCTION CONTRACTS.—Section 44 of the
12 Small Business Act (15 U.S.C. 657q) is amended in sub-
13 section (a)(2) by striking “or a multiple award contract
14 to satisfy 2 or more requirements of the Federal agency
15 for goods or services that have been provided to or per-
16 formed for the Federal agency under 2 or more separate
17 contracts lower in cost than the total cost of the contract
18 for which the offers are solicited; and” and inserting the
19 following: “or a multiple award contract—

20 “(A) to satisfy 2 or more requirements of
21 the Federal agency for goods or services that
22 have been provided to or performed for the
23 Federal agency under 2 or more separate con-
24 tracts lower in cost than the total cost of the
25 contract for which the offers are solicited; or

1 “(B) to satisfy requirements of the Federal
2 agency for construction projects to be per-
3 formed at 2 or more discrete sites; and”.

4 (b) CLARIFICATION OF CERTAIN REQUIREMENTS.—
5 Section 44 of such Act is further amended in subsection
6 (c)(1)(E), by striking “certifies to the head of the Federal
7 agency” and inserting “ensures”.

8 (c) REPEAL OF SUPERSEDED LAW AND CONFORMING
9 CHANGE.—

10 (1) CONSOLIDATION OF CONTRACT REQUIRE-
11 MENTS: POLICY AND RESTRICTIONS.—Section 2382
12 of title 10, United States Code is repealed. The table
13 of sections for chapter 141 of such title is amended
14 by striking the item relating to section 2382.

15 (2) CONSOLIDATION OF CONTRACT REQUIRE-
16 MENTS; DEPARTMENT OF DEFENSE.—Section 44 of
17 the Small Business Act, as amended by subsections
18 (a) and (b) of this section, is further amended in
19 subsection (c) by striking paragraph (4).

20 (d) COMPTROLLER GENERAL REVIEW.—Not later
21 than 270 days after the date of the enactment of this sub-
22 section, the Comptroller General of the United States shall
23 review data and information regarding consolidated con-
24 tracts awarded by Federal agencies. The review shall in-
25 clude an assessment of—

1 (1) the extent to which written determinations
2 that the consolidation of contract requirements was
3 necessary and justified meet the requirements of ap-
4 plicable provisions of law and regulation;

5 (2) the amount of savings and benefits realized
6 pursuant to such contracts, in comparison with—

7 (A) the performance of similar require-
8 ments under previous contracts; and

9 (B) the savings and benefits anticipated by
10 the analysis required prior to the contract
11 award pursuant to applicable provisions of law
12 and regulation;

13 (3) the extent to which the consolidation of con-
14 tract requirements was consistent with the con-
15 tracting agency's small business subcontracting
16 plans; and

17 (4) the adequacy of data collected pursuant to
18 section 15 of the Small Business Act relating to con-
19 tract bundling.

20 **PART VII—INCREASED PENALTIES FOR FRAUD**

21 **SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE**

22 **EFFORTS.**

23 (a) **SMALL BUSINESS FRAUD.**—Section 16(d) of the
24 Small Business Act (15 U.S.C. 645(d)) is amended by in-
25 serting after paragraph (2) the following:

1 “(3) LIMITATION ON LIABILITY.—This sub-
2 section shall not apply to any conduct in violation of
3 subsection (a) if the defendant acted in good faith
4 reliance on a written advisory opinion from a Small
5 Business Development Center (as defined in this
6 Act), or an entity participating in the Procurement
7 Technical Assistance Cooperative Agreement Pro-
8 gram defined in chapter 142 of title 10, United
9 States Code; however nothing in this Act shall obli-
10 gate either entity to provide such a letter nor shall
11 the provision of such a letter in any way render the
12 providing entity liable to the business concern should
13 the Administrator later determine that the concern
14 is not a small business concern. Upon issuance of an
15 advisory opinion under this paragraph, the entity
16 issuing the advisory opinion shall remit a copy of the
17 opinion to the General Counsel of the Administra-
18 tion, who may reject the advisory opinion. If the
19 General Counsel of the Administration rejects the
20 advisory opinion, the Administration shall notify the
21 entity issuing the advisory opinion and the recipient
22 of the opinion, after which time the business concern
23 may not rely upon the opinion.”.

24 (b) REGULATIONS.—Not later than 270 days after
25 the date of enactment of this part, the Administrator of

1 the Small Business Administration shall issue rules defin-
2 ing what constitutes an adequate advisory opinion for pur-
3 poses of section 16(d)(3) of the Small Business Act.

4 (c) **SMALL BUSINESS COMPLIANCE GUIDE.**—Not
5 later than 270 days after the date of enactment of this
6 part, the Administrator of the Small Business Administra-
7 tion shall issue (pursuant to section 212 of the Small
8 Business Regulatory Enforcement Fairness Act of 1996)
9 a compliance guide to assist business concerns in accu-
10 rately determining their status as a small business con-
11 cern.

12 **SEC. 1682. REQUIREMENT THAT FRAUDULENT BUSINESSES**
13 **BE SUSPENDED OR DEBARRED.**

14 (a) **IN GENERAL.**—Section 16(d)(2)(C) of the Small
15 Business Act (15 U.S.C. 645(d)(2)(C)) is amended by
16 striking “on the basis that such misrepresentation indi-
17 cates a lack of business integrity that seriously and di-
18 rectly affects the present responsibility to perform any
19 contract awarded by the Federal Government or a sub-
20 contract under such a contract”.

21 (b) **DEVELOPMENT AND PROMULGATION OF GUID-**
22 **ANCE.**—Not later than 270 days after the date of enact-
23 ment of this part, the Administrator of the Small Business
24 Administration shall develop and promulgate guidance im-
25 plementing this section.

1 (c) PUBLICATION OF PROCEDURES REGARDING SUS-
2 PENSION AND DEBARMENT.—Not later than 270 days
3 after the date of enactment of this part, the Administrator
4 shall publish and maintain on the Administration’s Web
5 site the current standard operating procedures of the Ad-
6 ministration for suspension and debarment, and the name
7 and contact information for the individual designated by
8 the Administrator as the senior individual responsible for
9 suspension and debarment proceedings.

10 **SEC. 1683. ANNUAL REPORT ON SUSPENSIONS AND**
11 **DEBARMENTS PROPOSED BY SMALL BUSI-**
12 **NESS ADMINISTRATION.**

13 (a) REPORT REQUIREMENT.—The Administrator of
14 the Small Business Administration shall submit each year
15 to the Committee on Small Business and Entrepreneur-
16 ship of the Senate, and the Committee on Small Business
17 of the House of Representatives a report on the suspen-
18 sion and debarment actions taken by the Administrator
19 during the year preceding the year of submission of the
20 report.

21 (b) MATTERS COVERED.—The report required by
22 subsection (a) shall include the following information for
23 the year covered by the report:

24 (1) NUMBER.—The number of contractors pro-
25 posed for suspension or debarment.

1 (2) SOURCE.—The office within a Federal
2 agency that originated each proposal for suspension
3 or debarment.

4 (3) REASONS.—The reason for each proposal
5 for suspension or debarment.

6 (4) RESULTS.—The result of each proposal for
7 suspension or debarment, and the reason for such
8 result.

9 (5) REFERRALS.—The number of suspensions
10 or debarments referred to the Inspector General of
11 the Small Business Administration or another agen-
12 cy, or to the Attorney General (for purposes of this
13 paragraph, the Administrator may redact identifying
14 information on names of companies or other infor-
15 mation in order to protect the integrity of any ongo-
16 ing criminal or civil investigation).

17 **PART VIII—OFFICES OF SMALL AND**
18 **DISADVANTAGED BUSINESS UNITS**

19 **SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSI-**
20 **NESS UTILIZATION.**

21 (a) APPOINTMENT AND POSITION OF DIRECTOR.—
22 Section 15(k)(2) of the Small Business Act (15 U.S.C.
23 644(k)(2)) is amended by striking “such agency,” and in-
24 serting “such agency to a position that is a Senior Execu-
25 tive Service position (as such term is defined under section

1 3132(a) of title 5, United States Code), except that, for
2 any agency in which the positions of Chief Acquisition Of-
3 ficer and senior procurement executive (as such terms are
4 defined under section 44(a) of this Act) are not Senior
5 Executive Service positions, the Director of Small and Dis-
6 advantaged Business Utilization may be appointed to a
7 position compensated at not less than the minimum rate
8 of basic pay payable for grade GS-15 of the General
9 Schedule under section 5332 of such title (including com-
10 parability payments under section 5304 of such title);”.

11 (b) PERFORMANCE APPRAISALS.—Section 15(k)(3)
12 of such Act (15 U.S.C. 644(k)(3)) is amended—

13 (1) by striking “be responsible only to, and re-
14 port directly to, the head” and inserting “shall be
15 responsible only to (including with respect to per-
16 formance appraisals), and report directly and exclu-
17 sively to, the head”; and

18 (2) by striking “be responsible only to, and re-
19 port directly to, such Secretary” and inserting “be
20 responsible only to (including with respect to per-
21 formance appraisals), and report directly and exclu-
22 sively to, such Secretary”.

23 (c) ADDITIONAL REQUIREMENTS.—Section 15(k) of
24 such Act (15 U.S.C. 644(k)) is amended by inserting after
25 paragraph (10) the following:

1 “(11) shall review and advise such agency on
2 any decision to convert an activity performed by a
3 small business concern to an activity performed by
4 a Federal employee;

5 “(12) shall provide to the Chief Acquisition Of-
6 ficer and senior procurement executive of such agen-
7 cy advice and comments on acquisition strategies,
8 market research, and justifications related to section
9 44 of this Act;

10 “(13) may provide training to small business
11 concerns and contract specialists, except that such
12 training may only be provided to the extent that the
13 training does not interfere with the Director car-
14 rying out other responsibilities under this subsection;

15 “(14) shall receive unsolicited proposals and,
16 when appropriate, forward such proposals to per-
17 sonnel of the activity responsible for reviewing such
18 proposals;

19 “(15) shall carry out exclusively the duties enu-
20 merated in this Act, and shall, while the Director,
21 not hold any other title, position, or responsibility,
22 except as necessary to carry out responsibilities
23 under this subsection; and

24 “(16) shall submit, each fiscal year, to the
25 Committee on Small Business of the House of Rep-

1 representatives and the Committee on Small Business
2 and Entrepreneurship of the Senate a report de-
3 scribing—

4 “(A) the training provided by the Director
5 under paragraph (13) in the most recently com-
6 pleted fiscal year;

7 “(B) the percentage of the budget of the
8 Director used for such training in the most re-
9 cently completed fiscal year; and

10 “(C) the percentage of the budget of the
11 Director used for travel in the most recently
12 completed fiscal year.”.

13 (d) REQUIREMENT OF ACQUISITION EXPERIENCE
14 FOR OSDBU DIRECTOR.—Section 15(k) of the Small
15 Business Act (15 U.S.C. 644(k)), as amended by this part,
16 is further amended, in the matter preceding paragraph
17 (1), by striking “who shall” and inserting the following:
18 “, with experience serving in any combination of the fol-
19 lowing roles: program manager, deputy program manager,
20 or assistant program manager for Federal acquisition pro-
21 gram; chief engineer, systems engineer, assistant engineer,
22 or product support manager for Federal acquisition pro-
23 gram; Federal contracting officer; small business technical
24 advisor; contracts administrator for Federal Government
25 contracts; attorney specializing in Federal procurement

1 law; small business liaison officer; officer or employee who
2 managed Federal Government contracts for a small busi-
3 ness; or individual whose primary responsibilities were for
4 the functions and duties of section 8, 15 or 44 of this
5 Act. Such officer or employee”.

6 (e) TECHNICAL AMENDMENTS.—Section 15(k) of
7 such Act (15 U.S.C. 644(k)), as amended, is further
8 amended—

9 (1) in paragraph (1)—

10 (A) by striking “be known” and inserting
11 “shall be known”; and

12 (B) by striking “such agency,” and insert-
13 ing “such agency;”;

14 (2) in paragraph (2) by striking “be appointed
15 by” and inserting “shall be appointed by”;

16 (3) in paragraph (3)—

17 (A) by striking “director” and inserting
18 “Director”; and

19 (B) by striking “Secretary’s designee,” and
20 inserting “Secretary’s designee;”;

21 (4) in paragraph (4)—

22 (A) by striking “be responsible” and in-
23 serting “shall be responsible”; and

24 (B) by striking “such agency,” and insert-
25 ing “such agency;”;

1 (5) in paragraph (5) by striking “identify pro-
2 posed” and inserting “shall identify proposed”;

3 (6) in paragraph (6) by striking “assist small”
4 and inserting “shall assist small”;

5 (7) in paragraph (7)—

6 (A) by striking “have supervisory” and in-
7 serting “shall have supervisory”; and

8 (B) by striking “this Act,” and inserting
9 “this Act;”;

10 (8) in paragraph (8)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “assign a” and inserting “shall
13 assign a”; and

14 (B) in subparagraph (A), by striking “the
15 activity, and” and inserting “the activity; and”;

16 (9) in paragraph (9)—

17 (A) by striking “cooperate, and” and in-
18 serting “shall cooperate, and”; and

19 (B) by striking “subsection, and” and in-
20 serting “subsection;”; and

21 (10) in paragraph (10)—

22 (A) by striking “make recommendations”
23 and inserting “shall make recommendations”;

24 (B) by striking “subsection (a), or section”
25 and inserting “subsection (a), section”;

1 (C) by striking “Act or section 2323” and
2 inserting “Act, or section 2323”;

3 (D) by striking “Code. Such recommenda-
4 tions shall” and inserting “Code, which shall”;
5 and

6 (E) by striking “contract file.” and insert-
7 ing “contract file;”.

8 **SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY**
9 **COUNCIL.**

10 (a) DUTIES.—Section 7104(b) of the Federal Acqui-
11 sition Streamlining Act of 1994 (15 U.S.C. 644 note) is
12 amended—

13 (1) in paragraph (1) by striking “and” at the
14 end;

15 (2) in paragraph (2) by striking “authorities.”
16 and inserting “authorities;”; and

17 (3) by adding at the end the following:

18 “(3) to conduct reviews of each Office of Small
19 and Disadvantaged Business Utilization established
20 under section 15(k) of the Small Business Act (15
21 U.S.C. 644(k)) to determine the compliance of each
22 Office with requirements under such section;

23 “(4) to identify best practices for maximizing
24 small business utilization in Federal contracting that

1 may be implemented by Federal agencies having pro-
2 curement powers; and

3 “(5) to submit, annually, to the Committee on
4 Small Business of the House of Representatives and
5 the Committee on Small Business and Entrepre-
6 neurship of the Senate a report describing—

7 “(A) the comments submitted under para-
8 graph (2) during the 1-year period ending on
9 the date on which the report is submitted, in-
10 cluding any outcomes related to the comments;

11 “(B) the results of reviews conducted
12 under paragraph (3) during such 1-year period;
13 and

14 “(C) best practices identified under para-
15 graph (4) during such 1-year period.”.

16 (b) MEMBERSHIP.—Section 7104(c)(3) of such Act
17 (15 U.S.C. 644 note) is amended by striking “(established
18 under section 15(k) of the Small Business Act (15 U.S.C.
19 644(k))”.

20 (c) CHAIRMAN.—Section 7104(d) of such Act (15
21 U.S.C. 644 note) is amended by inserting after “Small
22 Business Administration” the following: “(or the designee
23 of the Administrator)”.

1 **PART IX—OTHER MATTERS**

2 **SEC. 1695. SURETY BONDS.**

3 (a) **MAXIMUM BOND AMOUNT.**—Section 411(a)(1) of
4 the Small Business Investment Act of 1958 (15 U.S.C.
5 694b(a)(1)) is amended—

6 (1) by inserting “(A)” after “(1)”;

7 (2) by striking “does not exceed” and all that
8 follows through the period at the end, and inserting
9 “does not exceed \$6,500,000, as adjusted for infla-
10 tion in accordance with section 1908 of title 41,
11 United States Code.”; and

12 (3) by adding at the end the following:

13 “(B) The Administrator may guarantee a surety
14 under subparagraph (A) for a total work order or contract
15 amount that does not exceed \$10,000,000, if a contracting
16 officer of a Federal agency certifies that such a guarantee
17 is necessary.”.

18 (b) **DENIAL OF LIABILITY.**—Section 411 of the Small
19 Business Investment Act of 1958 (15 U.S.C. 694b) is
20 amended—

21 (1) by striking subsection (e) and inserting the
22 following:

23 “(e) **REIMBURSEMENT OF SURETY; CONDITIONS.**—
24 Pursuant to any such guarantee or agreement, the Admin-
25 istration shall reimburse the surety, as provided in sub-
26 section (e) of this section, except that the Administration

1 shall be relieved of liability (in whole or in part within
2 the discretion of the Administration) if—

3 “(1) the surety obtained such guarantee or
4 agreement, or applied for such reimbursement, by
5 fraud or material misrepresentation,

6 “(2) the total contract amount at the time of
7 execution of the bond or bonds exceeds \$6,500,000,

8 “(3) the surety has breached a material term or
9 condition of such guarantee agreement, or

10 “(4) the surety has substantially violated the
11 regulations promulgated by the Administration pur-
12 suant to subsection (d).”; and

13 (2) by inserting after subsection (i) the fol-
14 lowing:

15 “(j) For bonds made or executed with the prior ap-
16 proval of the Administration, the Administration shall not
17 deny liability to a surety based upon material information
18 that was provided as part of the guarantee application.”.

19 (c) SIZE STANDARDS.—Section 410 of the Small
20 Business Investment Act of 1958 (15 U.S.C. 694a) is
21 amended by inserting after paragraph (8) the following:

22 “(9) Notwithstanding any other provision of law or
23 any rule, regulation, or order of the Administration, for
24 purpose of sections 410, 411, and 412 the term ‘small
25 business concern’ means a business concern that meets the

1 size standard for the primary industry in which such busi-
2 ness concern, and the affiliates of such business concern,
3 is engaged, as determined by the Administrator in accord-
4 ance with the North American Industry Classification Sys-
5 tem.”.

6 **SEC. 1696. CONFORMING AMENDMENTS; REPEAL OF RE-**
7 **DUNDANT PROVISIONS; REGULATIONS.**

8 (a) TECHNICAL AMENDMENTS.—Section 15 of the
9 Small Business Act (15 U.S.C. 644) is amended—

10 (1) in the heading of subsection (p), to read as
11 follows: “ACCESS TO DATA.—”; and

12 (2) in the heading of subsection (q), to read as
13 follows: “REPORTS RELATED TO PROCUREMENT
14 CENTER REPRESENTATIVES.—”.

15 (b) CONFORMING AMENDMENTS PERTAINING TO
16 LIMITATIONS ON SUBCONTRACTING.—

17 (1) HUBZONES.—Section 3(p)(5) of the Small
18 Business Act (15 U.S.C. 632(p)(5)) is amended—

19 (A) in subparagraph (A)(i) by striking sub-
20 clause (III) and inserting the following:

21 “(III) with respect to any sub-
22 contract entered into by the small
23 business concern pursuant to a con-
24 tract awarded to the small business
25 concern under section 31, the small

1 business concern will ensure that the
2 requirements of section 46 are satis-
3 fied; and”;

4 (B) by striking subparagraphs (B) and
5 (C); and

6 (C) by redesignating subparagraph (D) as
7 subparagraph (B).

8 (2) ENTITIES ELIGIBLE FOR CONTRACTS
9 UNDER SECTION 8(a).—Section 8(a) of such Act (15
10 U.S.C. 637(a)) is amended by striking paragraph
11 (14) and inserting the following:

12 “(14) LIMITATIONS ON SUBCONTRACTING.—A
13 concern may not be awarded a contract under this
14 subsection as a small business concern unless the
15 concern agrees to satisfy the requirements of section
16 46.”.

17 (3) SMALL BUSINESS CONCERNS.—Section 15
18 of such Act (15 U.S.C. 644) is amended by striking
19 subsection (o) and inserting the following:

20 “(o) LIMITATIONS ON SUBCONTRACTING.—A concern
21 may not be awarded a contract under subsection (a) as
22 a small business concern unless the concern agrees to sat-
23 isfy the requirements of section 46.”.

24 (c) REGULATIONS.—Not later than 180 days after
25 the date of enactment of this part, the Administrator of

1 the Small Business Administration shall issue guidance
2 with respect to the changes made to the Small Business
3 Act by the amendments in this subtitle, with opportunities
4 for notice and comment.

5 **SEC. 1697. CONTRACTING WITH SMALL BUSINESS CON-**
6 **CERNS OWNED AND CONTROLLED BY**
7 **WOMEN.**

8 (a) **PROCUREMENT PROGRAM FOR WOMEN-OWNED**
9 **SMALL BUSINESS CONCERNS.**—Section 8(m)(2) of the
10 Small Business Act (15 U.S.C. 637(m)(2)) is amended—

11 (1) by striking subparagraph (D); and

12 (2) by redesignating subparagraphs (E) and
13 (F) as subparagraphs (D) and (E), respectively.

14 (b) **STUDY AND REPORT ON REPRESENTATION OF**
15 **WOMEN.**—Section 29 of the Small Business Act (15
16 U.S.C. 656) is amended by adding at the end the fol-
17 lowing:

18 “(o) **STUDY AND REPORT ON REPRESENTATION OF**
19 **WOMEN.**—

20 “(1) **STUDY.**—The Administrator shall periodi-
21 cally conduct a study to identify industries, as de-
22 fined under the North American Industry Classifica-
23 tion System, underrepresented by small business
24 concerns owned and controlled by women.

1 “(2) REPORT.—Not later than 5 years after the
2 date of enactment of this subsection, and every 5
3 years thereafter, the Administrator shall submit to
4 the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small
5 Business of the House of Representatives a report
6 on the results of each study under paragraph (1)
7 conducted during the 5-year period ending on the
8 date of the report.”.

10 **SEC. 1698. SMALL BUSINESS HUBZONES.**

11 (a) DEFINITION.—In this section, the term “covered
12 base closure area” means a base closure area that, on or
13 before the date of enactment of this Act, was treated as
14 a HUBZone for purposes of the Small Business Act (15
15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the
16 Small Business Reauthorization and Manufacturing As-
17 sistance Act of 2004 (15 U.S.C. 632 note).

18 (b) TREATMENT AS HUBZONE.—

19 (1) IN GENERAL.—Subject to paragraph (2), a
20 covered base closure area shall be treated as a
21 HUBZone for purposes of the Small Business Act
22 (15 U.S.C. 631 et seq.) during the 5-year period be-
23 ginning on the date of enactment of this Act.

24 (2) LIMITATION.—The total period of time that
25 a covered base closure area is treated as a

1 HUBZone for purposes of the Small Business Act
2 (15 U.S.C. 631 et seq.) pursuant to this section and
3 section 152(a)(2) of the Small Business Reauthor-
4 ization and Manufacturing Assistance Act of 2004
5 (15 U.S.C. 632 note) may not exceed 5 years.

6 **SEC. 1699. NATIONAL VETERANS BUSINESS DEVELOPMENT**
7 **CORPORATION.**

8 (a) IN GENERAL.—The Small Business Act (15
9 U.S.C. 631 et seq.) is amended by striking section 33 (15
10 U.S.C. 657c).

11 (b) CORPORATION.—On and after the date of enact-
12 ment of this Act, the National Veterans Business Develop-
13 ment Corporation and any successor thereto may not rep-
14 resent that the corporation is federally chartered or in any
15 other manner authorized by the Federal Government.

16 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) TITLE 10.—Section 1142(b)(13) of title 10,
18 United States Code, is amended by striking “and
19 the National Veterans Business Development Cor-
20 poration”.

21 (2) TITLE 38.—Section 3452(h) of title 38,
22 United States Code, is amended by striking “any of
23 the” and all that follows and inserting “any small
24 business development center described in section 21
25 of the Small Business Act (15 U.S.C. 648), insofar

1 as such center offers, sponsors, or cosponsors an en-
2 trepreneurship course, as that term is defined in sec-
3 tion 3675(c)(2).”.

4 (3) VETERANS ENTREPRENEURSHIP AND
5 SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Sec-
6 tion 203(c)(5) of the Veterans Entrepreneurship and
7 Small Business Development Act of 1999 (15 U.S.C.
8 657b note) is amended by striking “In cooperation
9 with the National Veterans Business Development
10 Corporation, develop” and inserting “Develop”.

11 **SEC. 1699a. STATE TRADE AND EXPORT PROMOTION GRANT**
12 **PROGRAM.**

13 Section 1207(a)(5) of the Small Business Jobs Act
14 of 2010 (15 U.S.C. 649b note) is amended by inserting
15 after “Guam,” the following: “the Commonwealth of the
16 Northern Mariana Islands,”.

17 **TITLE XVII—ENDING TRAF-**
18 **FICKING IN GOVERNMENT**
19 **CONTRACTING**

Sec. 1701. Definitions.

Sec. 1702. Contracting requirements.

Sec. 1703. Compliance plan and certification requirement.

Sec. 1704. Monitoring and investigation of trafficking in persons.

Sec. 1705. Notification to inspectors general and cooperation with Government.

Sec. 1706. Expansion of penalties for fraud in foreign labor contracting to in-
clude attempted fraud and work outside the United States.

Sec. 1707. Improving Department of Defense accountability for reporting traf-
ficking in persons claims and violations.

Sec. 1708. Rules of construction; effective date.

1 **SEC. 1701. DEFINITIONS.**

2 In this title:

3 (1) EXECUTIVE AGENCY.—The term “executive
4 agency” has the meaning given the term in section
5 133 of title 41, United States Code.

6 (2) SUBCONTRACTOR.—The term “subcon-
7 tractor” means a recipient of a contract at any tier
8 under a grant, contract, or cooperative agreement.

9 (3) SUBGRANTEE.—The term “subgrantee”
10 means a recipient of a grant at any tier under a
11 grant or cooperative agreement.

12 (4) UNITED STATES.—The term “United
13 States” has the meaning provided in section 103(12)
14 of the Trafficking Victims Protection Act of 2000
15 (22 U.S.C. 7102(12)).

16 **SEC. 1702. CONTRACTING REQUIREMENTS.**

17 Section 106(g) of the Trafficking Victims Protection
18 Act of 2000 (22 U.S.C. 7104(g)) is amended by striking
19 “without penalty” and all that follows through the period
20 at the end and inserting the following: “or take any of
21 the other remedial actions authorized under section
22 1704(c) of the National Defense Authorization Act for
23 Fiscal Year 2013, without penalty, if the grantee or any
24 subgrantee, or the contractor or any subcontractor, en-
25 gages in, or uses labor recruiters, brokers, or other agents
26 who engage in—

1 “(i) severe forms of trafficking in per-
2 sons;

3 “(ii) the procurement of a commercial
4 sex act during the period of time that the
5 grant, contract, or cooperative agreement
6 is in effect;

7 “(iii) the use of forced labor in the
8 performance of the grant, contract, or co-
9 operative agreement; or

10 “(iv) acts that directly support or ad-
11 vance trafficking in persons, including the
12 following acts:

13 “(I) Destroying, concealing, re-
14 moving, confiscating, or otherwise de-
15 nying an employee access to that em-
16 ployee’s identity or immigration docu-
17 ments.

18 “(II) Failing to provide return
19 transportation or pay for return
20 transportation costs to an employee
21 from a country outside the United
22 States to the country from which the
23 employee was recruited upon the end
24 of employment if requested by the em-
25 ployee, unless—

1 “(aa) exempted from the re-
2 quirement to provide or pay for
3 such return transportation by the
4 Federal department or agency
5 providing or entering into the
6 grant, contract, or cooperative
7 agreement; or

8 “(bb) the employee is a vic-
9 tim of human trafficking seeking
10 victim services or legal redress in
11 the country of employment or a
12 witness in a human trafficking
13 enforcement action.

14 “(III) Soliciting a person for the
15 purpose of employment, or offering
16 employment, by means of materially
17 false or fraudulent pretenses, rep-
18 resentations, or promises regarding
19 that employment.

20 “(IV) Charging recruited employ-
21 ees unreasonable placement or recruit-
22 ment fees, such as fees equal to or
23 greater than the employee’s monthly
24 salary, or recruitment fees that violate

1 the laws of the country from which an
2 employee is recruited.

3 “(V) Providing or arranging
4 housing that fails to meet the host
5 country housing and safety stand-
6 ards.”.

7 **SEC. 1703. COMPLIANCE PLAN AND CERTIFICATION RE-**
8 **QUIREMENT.**

9 (a) REQUIREMENT.—The head of an executive agen-
10 cy may not provide or enter into a grant, contract, or coop-
11 erative agreement if the estimated value of the services
12 required to be performed under the grant, contract, or co-
13 operative agreement outside the United States exceeds
14 \$500,000, unless a duly designated representative of the
15 recipient of such grant, contract, or cooperative agreement
16 certifies to the contracting or grant officer prior to receiv-
17 ing an award and on an annual basis thereafter, after hav-
18 ing conducted due diligence, that—

19 (1) the recipient has implemented a plan to pre-
20 vent the activities described in section 106(g) of the
21 Trafficking Victims Protection Act of 2000 (22
22 U.S.C. 7104(g)), as amended by section 1702, and
23 is in compliance with that plan;

24 (2) the recipient has implemented procedures to
25 prevent any activities described in such section

1 106(g) and to monitor, detect, and terminate any
2 subcontractor, subgrantee, or employee of the recipi-
3 ent engaging in any activities described in such sec-
4 tion; and

5 (3) to the best of the representative's knowl-
6 edge, neither the recipient, nor any subcontractor or
7 subgrantee of the recipient or any agent of the re-
8 cipient or of such a subcontractor or subgrantee, is
9 engaged in any of the activities described in such
10 section.

11 (b) LIMITATION.—Any plan or procedures imple-
12 mented pursuant to subsection (a) shall be appropriate to
13 the size and complexity of the grant, contract, or coopera-
14 tive agreement and to the nature and scope of its activi-
15 ties, including the number of non-United States citizens
16 expected to be employed.

17 (c) DISCLOSURE.—The recipient shall provide a copy
18 of the plan to the contracting or grant officer upon re-
19 quest, and as appropriate, shall post the useful and rel-
20 evant contents of the plan or related materials on its
21 website and at the workplace.

22 (d) GUIDANCE.—The President, in consultation with
23 the Secretary of State, the Attorney General, the Sec-
24 retary of Defense, the Secretary of Labor, the Secretary
25 of Homeland Security, the Administrator for the United

1 States Agency for International Development, and the
2 heads of such other executive agencies as the President
3 deems appropriate, shall establish minimum requirements
4 for contractor plans and procedures to be implemented
5 pursuant to this section.

6 **SEC. 1704. MONITORING AND INVESTIGATION OF TRAF-**
7 **FICKING IN PERSONS.**

8 (a) REFERRAL AND INVESTIGATION.—

9 (1) REFERRAL.—If the contracting or grant of-
10 ficer of an executive agency for a grant, contract, or
11 cooperative agreement receives credible information
12 that a recipient of the grant, contract, or cooperative
13 agreement; any subgrantee or subcontractor of the
14 recipient; or any agent of the recipient or of such a
15 subgrantee or subcontractor, has engaged in an ac-
16 tivity described in section 106(g) of the Trafficking
17 Victims Protection Act of 2000 (22 U.S.C. 7104(g)),
18 as amended by section 1702, including a report from
19 a contracting officer representative, an auditor, an
20 alleged victim or victim's representative, or any
21 other credible source, the contracting or grant offi-
22 cer shall promptly refer the matter to the agency's
23 Office of Inspector General for investigation. The
24 contracting officer may also direct the contractor to
25 take specific steps to abate an alleged violation or

1 enforce the requirements of a compliance plan imple-
2 mented pursuant to section 1703.

3 (2) INVESTIGATION.—An Inspector General
4 who receives a referral under paragraph (1) or oth-
5 erwise receives credible information that a recipient
6 of the grant, contract, or cooperative agreement; any
7 subgrantee or subcontractor of the recipient; or any
8 agent of the recipient or of such a subgrantee or
9 subcontractor, has engaged in an activity described
10 in section 106(g) of the Trafficking Victims Protec-
11 tion Act of 2000 (22 U.S.C. 7104(g)), as amended
12 by section 1702, shall promptly review the referral
13 or information and determine whether to initiate an
14 investigation of the matter. In the event that an In-
15 spector General does not initiate an investigation,
16 the Inspector General shall document the rationale
17 for the decision not to investigate.

18 (3) CRIMINAL INVESTIGATION.—If the matter
19 is referred to the Department of Justice for criminal
20 prosecution, the Inspector General may suspend any
21 investigation under this subsection pending the out-
22 come of the criminal prosecution. The Inspector
23 General shall notify the head of the executive agency
24 that awarded the contract, grant, or cooperative
25 agreement of an indictment, information, or criminal

1 complaint against the recipient of a contract, grant,
2 or cooperative agreement; any subgrantee or subcon-
3 tractor of the recipient; or any agent of the recipient
4 or of a subgrantee or subcontractor. If the criminal
5 investigation results in a decision not to prosecute,
6 the Inspector General shall promptly determine
7 whether to resume any investigation that was sus-
8 pended pursuant to this paragraph. In the event
9 that an Inspector General does not resume an inves-
10 tigation, the Inspector General shall document the
11 rationale for the decision.

12 (b) REPORT.—Upon completion of an investigation
13 under subsection (a), the Inspector General shall submit
14 a report on the investigation to the head of the executive
15 agency that awarded the contract, grant, or cooperative
16 agreement. The report shall include the Inspector Gen-
17 eral's conclusions regarding whether or not any allegations
18 that the recipient of a grant, contract, or cooperative
19 agreement; any subcontractor or subgrantee of the recipi-
20 ent; or any agent of the recipient or of such a subcon-
21 tractor or subgrantee, engaged in any of the activities de-
22 scribed in section 106(g) of the Trafficking Victims Pro-
23 tection Act of 2000 (22 U.S.C. 7104(g)), as amended by
24 section 1702, are substantiated.

25 (c) REMEDIAL ACTIONS.—

1 (1) IN GENERAL.—Upon receipt of an Inspector
2 General’s report substantiating an allegation that
3 the recipient of a contract, grant, or cooperative
4 agreement; any subgrantee or subcontractor of the
5 recipient; or any agent of the recipient or of a sub-
6 grantee or subcontractor, engaged in any of the ac-
7 tivities described in section 106(g) of the Trafficking
8 Victims Protection Act of 2000 (22 U.S.C. 7104(g)),
9 as amended by section 1702, or notification of an in-
10 dictment, information, or criminal complaint for an
11 offense under subsection (a)(3), the head of agency
12 shall consider taking one or more of the following re-
13 medial actions:

14 (A) Requiring the recipient to remove an
15 employee from the performance of work under
16 the grant, contract, or cooperative agreement.

17 (B) Requiring the recipient to terminate a
18 subcontract or subgrant.

19 (C) Suspending payments under the grant,
20 contract, or cooperative agreement until such
21 time as the recipient of the grant, contract, or
22 cooperative agreement has taken appropriate
23 remedial action.

24 (D) Withholding award fees, consistent
25 with the award fee plan, for the performance

1 period in which the agency determined the con-
2 tractor or subcontractor engaged in any of the
3 activities described in such section 106(g).

4 (E) Declining to exercise available options
5 under the contract.

6 (F) Terminating the contract for default
7 or cause, in accordance with the termination
8 clause for the contract.

9 (G) Referring the matter to the agency
10 suspension and debarment official.

11 (2) SAVINGS CLAUSE.—Nothing in this sub-
12 section shall be construed as limiting the scope of
13 applicable remedies available to the Federal Govern-
14 ment.

15 (3) MITIGATING FACTOR.—Where applicable,
16 the head of an executive agency may consider wheth-
17 er the contractor or grantee had a plan in place
18 under section 1703, and was in compliance with that
19 plan at the time of the violation, as a mitigating fac-
20 tor in determining which remedies, if any, should
21 apply.

22 (4) AGGRAVATING FACTOR.—Where applicable,
23 the head of an executive agency may consider the
24 failure of a contractor or grantee to abate an alleged
25 violation or enforce the requirements of a compliance

1 plan when directed by a contracting officer pursuant
2 to subsection (a)(1) as an aggravating factor in de-
3 termining which remedies, if any, should apply.

4 (d) INCLUSION OF REPORT CONCLUSIONS IN
5 FAPIIS.—

6 (1) IN GENERAL.—The head of an executive
7 agency shall ensure that any substantiated allegation
8 in the report under subsection (b) is included in the
9 Federal Awardee Performance and Integrity Infor-
10 mation System (FAPIIS) and that the contractor
11 has an opportunity to respond to any such report in
12 accordance with applicable statutes and regulations.

13 (2) AMENDMENT TO TITLE 41, UNITED STATES
14 CODE.—Section 2313(c)(1)(E) of title 41, United
15 States Code, is amended to read as follows:

16 “(E) In an administrative proceeding—

17 “(i) a final determination of con-
18 tractor fault by the Secretary of Defense
19 pursuant to section 823(d) of the National
20 Defense Authorization Act for Fiscal Year
21 2010 (10 U.S.C. 2302 note; Public Law
22 111–84); or

23 “(ii) a substantiated allegation, pursu-
24 ant to section 1704(b) of the National De-
25 fense Authorization Act for Fiscal Year

1 2013, that the contractor, a subcontractor,
2 or an agent of the contractor or subcon-
3 tractor engaged in any of the activities de-
4 scribed in section 106(g) of the Trafficking
5 Victims Protection Act of 2000 (22 U.S.C.
6 7104(g)).”.

7 **SEC. 1705. NOTIFICATION TO INSPECTORS GENERAL AND**
8 **COOPERATION WITH GOVERNMENT.**

9 The head of an executive agency making or awarding
10 a grant, contract, or cooperative agreement shall require
11 that the recipient of the grant, contract, or cooperative
12 agreement—

13 (1) immediately inform the Inspector General of
14 the executive agency of any information it receives
15 from any source that alleges credible information
16 that the recipient; any subcontractor or subgrantee
17 of the recipient; or any agent of the recipient or of
18 such a subcontractor or subgrantee, has engaged in
19 conduct described in section 106(g) of the Traf-
20 ficking in Victims Protection Act of 2000 (22 U.S.C.
21 7104(g)), as amended by section 1702 of this Act;
22 and

23 (2) fully cooperate with any Federal agencies
24 responsible for audits, investigations, or corrective
25 actions relating to trafficking in persons.

1 **SEC. 1706. EXPANSION OF PENALTIES FOR FRAUD IN FOR-**
2 **EIGN LABOR CONTRACTING TO INCLUDE AT-**
3 **TEMPTED FRAUD AND WORK OUTSIDE THE**
4 **UNITED STATES.**

5 (a) IN GENERAL.—Section 1351 of title 18, United
6 States Code, is amended—

7 (1) by striking “Whoever knowingly and with
8 the intent to defraud recruits, solicits or hires a per-
9 son outside the United States” and inserting “(a)
10 WORK INSIDE THE UNITED STATES.—Whoever
11 knowingly and with intent to defraud recruits, solici-
12 its, or hires a person outside the United States or
13 causes another person to recruit, solicit, or hire a
14 person outside the United States, or attempts to do
15 so,”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(b) WORK OUTSIDE THE UNITED STATES.—Who-
19 ever knowingly and with intent to defraud recruits, solie-
20 its, or hires a person outside the United States or causes
21 another person to recruit, solicit, or hire a person outside
22 the United States, or attempts to do so, for purposes of
23 employment performed on a United States Government
24 contract performed outside the United States, or on a
25 United States military installation or mission outside the
26 United States or other property or premises outside the

1 United States owned or controlled by the United States
2 Government, by means of materially false or fraudulent
3 pretenses, representations, or promises regarding that em-
4 ployment, shall be fined under this title or imprisoned for
5 not more than 5 years, or both.”.

6 (b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien
7 may be admitted to the United States pursuant to sub-
8 paragraph (U) of section 101(a)(15) of the Immigration
9 and Nationality Act (8 U.S.C. 1101(a)(15)) as a result
10 of the alien being a victim of a crime described in sub-
11 section (b) of section 1351 of title 18, United States Code,
12 as added by subsection (a).

13 **SEC. 1707. IMPROVING DEPARTMENT OF DEFENSE AC-**
14 **COUNTABILITY FOR REPORTING TRAF-**
15 **FICKING IN PERSONS CLAIMS AND VIOLA-**
16 **TIONS.**

17 Section 105(d)(7)(H) of the Trafficking Victims Pro-
18 tection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amend-
19 ed—

- 20 (1) in clause (ii), by striking “and” at the end;
21 (2) by redesignating clause (iii) as clause (iv);
22 (3) by inserting after clause (ii) the following
23 new clause:

1 “(iii) all known trafficking in persons
2 cases reported to the Under Secretary of
3 Defense for Personnel and Readiness;”;

4 (4) in clause (iv), as redesignated by paragraph
5 (2), by inserting “and” at the end after the semi-
6 colon; and

7 (5) by adding at the end the following new
8 clause:

9 “(v) all trafficking in persons activi-
10 ties of contractors reported to the Under
11 Secretary of Defense for Acquisition, Tech-
12 nology, and Logistics;”.

13 **SEC. 1708. RULES OF CONSTRUCTION; EFFECTIVE DATE.**

14 (a) **LIABILITY.**—Excluding section 1706, nothing in
15 this title shall be construed to supersede, enlarge, or di-
16 minish the common law or statutory liabilities of any
17 grantee, subgrantee, contractor, subcontractor, or other
18 party covered by section 106(g) of the Trafficking Victims
19 Protection Act of 2000 (22 U.S.C. 7104(g)), as amended
20 by section 1702.

21 (b) **AUTHORITY OF DEPARTMENT OF JUSTICE.**—
22 Nothing in this title shall be construed as diminishing or
23 otherwise modifying the authority of the Attorney General
24 to investigate activities covered by this title.

25 (c) **IMPLEMENTATION AND EFFECTIVE DATES.**—

1 (1) CONTRACTING REQUIREMENTS.—

2 (A) Not later than 270 days after the date
3 of the enactment of this Act, the Federal Acqui-
4 sition Regulation shall be amended to carry out
5 the requirements of sections 1702, 1703, and
6 1704(c), and the second sentence of section
7 1704(a)(1), of this title.

8 (B) The requirements of sections 1702,
9 1703, and 1704(c), and the second sentence of
10 section 1704(a)(1), of this title, shall apply to
11 grants, contracts, and cooperative agreements
12 entered into on or after the date that is 270
13 days after the date of the enactment of this
14 Act, and to task and delivery orders awarded on
15 or after such date pursuant to contracts entered
16 before, on, or after such date.

17 (2) INVESTIGATIVE AND PROCEDURAL RE-
18 QUIREMENTS.—Federal agencies shall implement the
19 requirements of sections 1704, 1705, and 1707
20 (other than subsection (c) of section 1704) not later
21 than 90 days after the date of the enactment of this
22 Act.

23 (3) CRIMINAL LAW CHANGES.—The amend-
24 ments made by section 1706 shall take effect upon

1 the date of enactment and shall apply to conduct
2 taking place on or after such date.

3 **TITLE XVIII—FEDERAL ASSIST-**
4 **ANCE TO FIRE DEPARTMENTS**

Subtitle A—Fire Grants Reauthorization

- Sec. 1801. Short title.
- Sec. 1802. Amendments to definitions.
- Sec. 1803. Assistance to firefighters grants.
- Sec. 1804. Staffing for adequate fire and emergency response.
- Sec. 1805. Sense of Congress on value and funding of Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
- Sec. 1806. Report on amendments to Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
- Sec. 1807. Studies and reports on the state of fire services.

Subtitle B—Reauthorization of United States Fire Administration

- Sec. 1811. Short title.
- Sec. 1812. Clarification of relationship between United States Fire Administration and Federal Emergency Management Agency.
- Sec. 1813. Modification of authority of Administrator to educate public about fire and fire prevention.
- Sec. 1814. Authorization of appropriations.
- Sec. 1815. Removal of limitation.

5 **Subtitle A—Fire Grants**
6 **Reauthorization**

7 **SEC. 1801. SHORT TITLE.**

8 This subtitle may be cited as the “Fire Grants Reau-
9 thorization Act of 2012”.

10 **SEC. 1802. AMENDMENTS TO DEFINITIONS.**

11 (a) IN GENERAL.—Section 4 of the Federal Fire Pre-
12 vention and Control Act of 1974 (15 U.S.C. 2203) is
13 amended—

14 (1) in paragraph (3), by inserting “, except as
15 otherwise provided,” after “means”;

1 (2) in paragraph (4), by striking “‘Director’
2 means” and all that follows through “Agency;” and
3 inserting “‘Administrator of FEMA’ means the Ad-
4 ministratoor of the Federal Emergency Management
5 Agency;”;

6 (3) in paragraph (5)—

7 (A) by inserting “Indian tribe,” after
8 “county,”; and

9 (B) by striking “and ‘firecontrol’ ” and in-
10 serting “and ‘fire control’ ”;

11 (4) by redesignating paragraphs (6) through
12 (9) as paragraphs (7) through (10), respectively;

13 (5) by inserting after paragraph (5), the fol-
14 lowing:

15 “(6) ‘Indian tribe’ has the meaning given that
16 term in section 4 of the Indian Self-Determination
17 and Education Assistance Act (25 U.S.C. 450b) and
18 ‘tribal’ means of or pertaining to an Indian tribe;”;

19 (6) by redesignating paragraphs (9) and (10),
20 as redesignated by paragraph (4), as paragraphs
21 (10) and (11);

22 (7) by inserting after paragraph (8), as redesign-
23 ated by paragraph (4), the following:

24 “(9) ‘Secretary’ means, except as otherwise pro-
25 vided, the Secretary of Homeland Security;” and

1 (8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

2 “(10) ‘State’ has the meaning given the term in
3 section 2 of the Homeland Security Act of 2002 (6
4 U.S.C. 101).”.

5
6 (b) CONFORMING AMENDMENTS.—

7 (1) ADMINISTRATOR OF FEMA.—The Federal
8 Fire Prevention and Control Act of 1974 (15 U.S.C.
9 2201 et seq.) is amended by striking “Director”
10 each place it appears and inserting “Administrator
11 of FEMA”.

12 (2) ADMINISTRATOR OF FEMA’S AWARD.—Section
13 15 of such Act (15 U.S.C. 2214) is amended by
14 striking “Director’s Award” each place it appears
15 and inserting “Administrator’s Award”.

16 **SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

17 Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read
18 as follows:

19
20 **“SEC. 33. FIREFIGHTER ASSISTANCE.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) ADMINISTRATOR OF FEMA.—The term
23 ‘Administrator of FEMA’ means the Administrator
24 of FEMA, acting through the Administrator.

1 “(2) AVAILABLE GRANT FUNDS.—The term
2 ‘available grant funds’, with respect to a fiscal year,
3 means those funds appropriated pursuant to the au-
4 thorization of appropriations in subsection (q)(1) for
5 such fiscal year less any funds used for administra-
6 tive costs pursuant to subsection (q)(2) in such fis-
7 cal year.

8 “(3) CAREER FIRE DEPARTMENT.—The term
9 ‘career fire department’ means a fire department
10 that has an all-paid force of firefighting personnel
11 other than paid-on-call firefighters.

12 “(4) COMBINATION FIRE DEPARTMENT.—The
13 term ‘combination fire department’ means a fire de-
14 partment that has—

15 “(A) paid firefighting personnel; and

16 “(B) volunteer firefighting personnel.

17 “(5) FIREFIGHTING PERSONNEL.—The term
18 ‘firefighting personnel’ means individuals, including
19 volunteers, who are firefighters, officers of fire de-
20 partments, or emergency medical service personnel
21 of fire departments.

22 “(6) INSTITUTION OF HIGHER EDUCATION.—
23 The term ‘institution of higher education’ has the
24 meaning given such term in section 101 of the High-
25 er Education Act of 1965 (20 U.S.C. 1001).

1 “(7) NONAFFILIATED EMS ORGANIZATION.—

2 The term ‘nonaffiliated EMS organization’ means a
3 public or private nonprofit emergency medical serv-
4 ices organization that is not affiliated with a hospital
5 and does not serve a geographic area in which the
6 Administrator of FEMA finds that emergency med-
7 ical services are adequately provided by a fire de-
8 partment.

9 “(8) PAID-ON-CALL.—The term ‘paid-on-call’
10 with respect to firefighting personnel means fire-
11 fighting personnel who are paid a stipend for each
12 event to which they respond.

13 “(9) VOLUNTEER FIRE DEPARTMENT.—The
14 term ‘volunteer fire department’ means a fire de-
15 partment that has an all-volunteer force of fire-
16 fighting personnel.

17 “(b) ASSISTANCE PROGRAM.—

18 “(1) AUTHORITY.—In accordance with this sec-
19 tion, the Administrator of FEMA may award—

20 “(A) assistance to firefighters grants under
21 subsection (c); and

22 “(B) fire prevention and safety grants and
23 other assistance under subsection (d).

24 “(2) ADMINISTRATIVE ASSISTANCE.—The Ad-
25 ministrators of FEMA shall—

1 “(A) establish specific criteria for the se-
2 lection of grant recipients under this section;
3 and

4 “(B) provide assistance with application
5 preparation to applicants for such grants.

6 “(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

7 “(1) IN GENERAL.—The Administrator of
8 FEMA may, in consultation with the chief executives
9 of the States in which the recipients are located,
10 award grants on a competitive basis directly to—

11 “(A) fire departments, for the purpose of
12 protecting the health and safety of the public
13 and firefighting personnel throughout the
14 United States against fire, fire-related, and
15 other hazards;

16 “(B) nonaffiliated EMS organizations to
17 support the provision of emergency medical
18 services; and

19 “(C) State fire training academies for the
20 purposes described in subparagraphs (G), (H),
21 and (I) of paragraph (3).

22 “(2) MAXIMUM GRANT AMOUNTS.—

23 “(A) POPULATION.—The Administrator of
24 FEMA may not award a grant under this sub-
25 section in excess of amounts as follows:

1 “(i) In the case of a recipient that
2 serves a jurisdiction with 100,000 people
3 or fewer, the amount of the grant awarded
4 to such recipient shall not exceed
5 \$1,000,000 in any fiscal year.

6 “(ii) In the case of a recipient that
7 serves a jurisdiction with more than
8 100,000 people but not more than 500,000
9 people, the amount of the grant awarded
10 to such recipient shall not exceed
11 \$2,000,000 in any fiscal year.

12 “(iii) In the case of a recipient that
13 serves a jurisdiction with more than
14 500,000 but not more than 1,000,000 peo-
15 ple, the amount of the grant awarded to
16 such recipient shall not exceed \$3,000,000
17 in any fiscal year.

18 “(iv) In the case of a recipient that
19 serves a jurisdiction with more than
20 1,000,000 people but not more than
21 2,500,000 people, the amount of the grant
22 awarded to such recipient shall not exceed
23 \$6,000,000 for any fiscal year.

24 “(v) In the case of a recipient that
25 serves a jurisdiction with more than

1 2,500,000 people, the amount of the grant
2 awarded to such recipient shall not exceed
3 \$9,000,000 in any fiscal year.

4 “(B) AGGREGATE.—

5 “(i) IN GENERAL.—Notwithstanding
6 subparagraphs (A) and (B) and except as
7 provided under clause (ii), the Adminis-
8 trator of FEMA may not award a grant
9 under this subsection in a fiscal year in an
10 amount that exceeds the amount that is
11 one percent of the available grant funds in
12 such fiscal year.

13 “(ii) EXCEPTION.—The Administrator
14 of FEMA may waive the limitation in
15 clause (i) with respect to a grant recipient
16 if the Administrator of FEMA determines
17 that such recipient has an extraordinary
18 need for a grant in an amount that exceeds
19 the limit under clause (i).

20 “(3) USE OF GRANT FUNDS.—Each entity re-
21 ceiving a grant under this subsection shall use the
22 grant for one or more of the following purposes:

23 “(A) To train firefighting personnel in—

24 “(i) firefighting;

1 “(ii) emergency medical services and
2 other emergency response (including re-
3 sponse to natural disasters, acts of ter-
4 rorism, and other man-made disasters);

5 “(iii) arson prevention and detection;

6 “(iv) maritime firefighting; or

7 “(v) the handling of hazardous mate-
8 rials.

9 “(B) To train firefighting personnel to
10 provide any of the training described under sub-
11 paragraph (A).

12 “(C) To fund the creation of rapid inter-
13 vention teams to protect firefighting personnel
14 at the scenes of fires and other emergencies.

15 “(D) To certify—

16 “(i) fire inspectors; and

17 “(ii) building inspectors—

18 “(I) whose responsibilities include
19 fire safety inspections; and

20 “(II) who are employed by or
21 serving as volunteers with a fire de-
22 partment.

23 “(E) To establish wellness and fitness pro-
24 grams for firefighting personnel to ensure that
25 the firefighting personnel are able to carry out

1 their duties as firefighters, including programs
2 dedicated to raising awareness of, and preven-
3 tion of, job-related mental health issues.

4 “(F) To fund emergency medical services
5 provided by fire departments and nonaffiliated
6 EMS organizations.

7 “(G) To acquire additional firefighting ve-
8 hicles, including fire trucks and other appa-
9 ratus.

10 “(H) To acquire additional firefighting
11 equipment, including equipment for—

12 “(i) fighting fires with foam in remote
13 areas without access to water; and

14 “(ii) communications, monitoring, and
15 response to a natural disaster, act of ter-
16 rorism, or other man-made disaster, in-
17 cluding the use of a weapon of mass de-
18 struction.

19 “(I) To acquire personal protective equip-
20 ment, including personal protective equip-
21 ment—

22 “(i) prescribed for firefighting per-
23 sonnel by the Occupational Safety and
24 Health Administration of the Department
25 of Labor; or

1 “(ii) for responding to a natural dis-
2 aster or act of terrorism or other man-
3 made disaster, including the use of a weap-
4 on of mass destruction.

5 “(J) To modify fire stations, fire training
6 facilities, and other facilities to protect the
7 health and safety of firefighting personnel.

8 “(K) To educate the public about arson
9 prevention and detection.

10 “(L) To provide incentives for the recruit-
11 ment and retention of volunteer firefighting
12 personnel for volunteer firefighting departments
13 and other firefighting departments that utilize
14 volunteers.

15 “(M) To support such other activities, con-
16 sistent with the purposes of this subsection, as
17 the Administrator of FEMA determines appro-
18 priate.

19 “(d) FIRE PREVENTION AND SAFETY GRANTS.—

20 “(1) IN GENERAL.—For the purpose of assist-
21 ing fire prevention programs and supporting fire-
22 fighter health and safety research and development,
23 the Administrator of FEMA may, on a competitive
24 basis—

25 “(A) award grants to fire departments;

1 “(B) award grants to, or enter into con-
2 tracts or cooperative agreements with, national,
3 State, local, tribal, or nonprofit organizations
4 that are not fire departments and that are rec-
5 ognized for their experience and expertise with
6 respect to fire prevention or fire safety pro-
7 grams and activities and firefighter research
8 and development programs, for the purpose of
9 carrying out—

10 “(i) fire prevention programs; and

11 “(ii) research to improve firefighter
12 health and life safety; and

13 “(C) award grants to institutions of higher
14 education, national fire service organizations, or
15 national fire safety organizations to establish
16 and operate fire safety research centers.

17 “(2) MAXIMUM GRANT AMOUNT.—A grant
18 awarded under this subsection may not exceed
19 \$1,500,000 for a fiscal year.

20 “(3) USE OF GRANT FUNDS.—Each entity re-
21 ceiving a grant under this subsection shall use the
22 grant for one or more of the following purposes:

23 “(A) To enforce fire codes and promote
24 compliance with fire safety standards.

1 “(B) To fund fire prevention programs, in-
2 cluding programs that educate the public about
3 arson prevention and detection.

4 “(C) To fund wildland fire prevention pro-
5 grams, including education, awareness, and
6 mitigation programs that protect lives, prop-
7 erty, and natural resources from fire in the
8 wildland-urban interface.

9 “(D) In the case of a grant awarded under
10 paragraph (1)(C), to fund the establishment or
11 operation of a fire safety research center for the
12 purpose of significantly reducing the number of
13 fire-related deaths and injuries among fire-
14 fighters and the general public through re-
15 search, development, and technology transfer
16 activities.

17 “(E) To support such other activities, con-
18 sistent with the purposes of this subsection, as
19 the Administrator of FEMA determines appro-
20 priate.

21 “(4) LIMITATION.—None of the funds made
22 available under this subsection may be provided to
23 the Association of Community Organizations for Re-
24 form Now (ACORN) or any of its affiliates, subsidi-
25 aries, or allied organizations.

1 “(e) APPLICATIONS FOR GRANTS.—

2 “(1) IN GENERAL.—An entity seeking a grant
3 under this section shall submit to the Administrator
4 of FEMA an application therefor in such form and
5 in such manner as the Administrator of FEMA de-
6 termines appropriate.

7 “(2) ELEMENTS.—Each application submitted
8 under paragraph (1) shall include the following:

9 “(A) A description of the financial need of
10 the applicant for the grant.

11 “(B) An analysis of the costs and benefits,
12 with respect to public safety, of the use for
13 which a grant is requested.

14 “(C) An agreement to provide information
15 to the national fire incident reporting system
16 for the period covered by the grant.

17 “(D) A list of other sources of funding re-
18 ceived by the applicant—

19 “(i) for the same purpose for which
20 the application for a grant under this sec-
21 tion was submitted; or

22 “(ii) from the Federal Government for
23 other fire-related purposes.

24 “(E) Such other information as the Ad-
25 ministrator of FEMA determines appropriate.

1 “(3) JOINT OR REGIONAL APPLICATIONS.—

2 “(A) IN GENERAL.—Two or more entities
3 may submit an application under paragraph (1)
4 for a grant under this section to fund a joint
5 program or initiative, including acquisition of
6 shared equipment or vehicles.

7 “(B) NONEXCLUSIVITY.—Applications
8 under this paragraph may be submitted instead
9 of or in addition to any other application sub-
10 mitted under paragraph (1).

11 “(C) GUIDANCE.—The Administrator of
12 FEMA shall—

13 “(i) publish guidance on applying for
14 and administering grants awarded for joint
15 programs and initiatives described in sub-
16 paragraph (A); and

17 “(ii) encourage applicants to apply for
18 grants for joint programs and initiatives
19 described in subparagraph (A) as the Ad-
20 ministrator of FEMA determines appro-
21 priate to achieve greater cost effectiveness
22 and regional efficiency.

23 “(f) PEER REVIEW OF GRANT APPLICATIONS.—

24 “(1) IN GENERAL.—The Administrator of
25 FEMA shall, after consultation with national fire

1 service and emergency medical services organiza-
2 tions, appoint fire service personnel to conduct peer
3 reviews of applications received under subsection
4 (e)(1).

5 “(2) APPLICABILITY OF FEDERAL ADVISORY
6 COMMITTEE ACT.—The Federal Advisory Committee
7 Act (5 U.S.C. App.) shall not apply to activities car-
8 ried out pursuant to this subsection.

9 “(g) PRIORITIZATION OF GRANT AWARDS.—In
10 awarding grants under this section, the Administrator of
11 FEMA shall consider the following:

12 “(1) The findings and recommendations of the
13 peer reviews carried out under subsection (f).

14 “(2) The degree to which an award will reduce
15 deaths, injuries, and property damage by reducing
16 the risks associated with fire-related and other haz-
17 ards.

18 “(3) The extent of the need of an applicant for
19 a grant under this section and the need to protect
20 the United States as a whole.

21 “(4) The number of calls requesting or requir-
22 ing a fire fighting or emergency medical response re-
23 ceived by an applicant.

24 “(h) ALLOCATION OF GRANT AWARDS.—In awarding
25 grants under this section, the Administrator of FEMA

1 shall ensure that of the available grant funds in each fiscal
2 year—

3 “(1) not less than 25 percent are awarded
4 under subsection (c) to career fire departments;

5 “(2) not less than 25 percent are awarded
6 under subsection (c) to volunteer fire departments;

7 “(3) not less than 25 percent are awarded
8 under subsection (c) to combination fire departments
9 and fire departments using paid-on-call firefighting
10 personnel;

11 “(4) not less than 10 percent are available for
12 open competition among career fire departments,
13 volunteer fire departments, combination fire depart-
14 ments, and fire departments using paid-on-call fire-
15 fighting personnel for grants awarded under sub-
16 section (c);

17 “(5) not less than 10 percent are awarded
18 under subsection (d); and

19 “(6) not more than 2 percent are awarded
20 under this section to nonaffiliated EMS organiza-
21 tions described in subsection (c)(1)(B).

22 “(i) ADDITIONAL REQUIREMENTS AND LIMITA-
23 TIONS.—

24 “(1) FUNDING FOR EMERGENCY MEDICAL
25 SERVICES.—Not less than 3.5 percent of the avail-

1 able grant funds for a fiscal year shall be awarded
2 under this section for purposes described in sub-
3 section (c)(3)(F).

4 “(2) STATE FIRE TRAINING ACADEMIES.—

5 “(A) MAXIMUM SHARE.—Not more than 3
6 percent of the available grant funds for a fiscal
7 year may be awarded under subsection
8 (c)(1)(C).

9 “(B) MAXIMUM GRANT AMOUNT.—The Ad-
10 ministrators of FEMA may not award a grant
11 under subsection (c)(1)(C) to a State fire train-
12 ing academy in an amount that exceeds
13 \$1,000,000 in any fiscal year.

14 “(3) AMOUNTS FOR PURCHASING FIRE-
15 FIGHTING VEHICLES.—Not more than 25 percent of
16 the available grant funds for a fiscal year may be
17 used to assist grant recipients to purchase vehicles
18 pursuant to subsection (c)(3)(G).

19 “(j) FURTHER CONSIDERATIONS.—

20 “(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO
21 FIRE DEPARTMENTS.—In considering applications
22 for grants under subsection (c)(1)(A), the Adminis-
23 trator of FEMA shall consider—

24 “(A) the extent to which the grant would
25 enhance the daily operations of the applicant

1 and the impact of such a grant on the protec-
2 tion of lives and property; and

3 “(B) a broad range of factors important to
4 the applicant’s ability to respond to fires and
5 related hazards, such as the following:

6 “(i) Population served.

7 “(ii) Geographic response area.

8 “(iii) Hazards vulnerability.

9 “(iv) Call volume.

10 “(v) Financial situation, including un-
11 employment rate of the area being served.

12 “(vi) Need for training or equipment.

13 “(2) APPLICATIONS FROM NONAFFILIATED EMS
14 ORGANIZATIONS.—In the case of an application sub-
15 mitted under subsection (e)(1) by a nonaffiliated
16 EMS organization, the Administrator of FEMA
17 shall consider the extent to which other sources of
18 Federal funding are available to the applicant to
19 provide the assistance requested in such application.

20 “(3) AWARDING FIRE PREVENTION AND SAFE-
21 TY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE
22 NOT FIRE DEPARTMENTS.—In the case of applicants
23 for grants under this section who are described in
24 subsection (d)(1)(B), the Administrator of FEMA
25 shall give priority to applicants who focus on—

1 “(A) prevention of injuries to high risk
2 groups from fire; and

3 “(B) research programs that demonstrate
4 a potential to improve firefighter safety.

5 “(4) AWARDING GRANTS FOR FIRE SAFETY RE-
6 SEARCH CENTERS.—

7 “(A) CONSIDERATIONS.—In awarding
8 grants under subsection (d)(1)(C), the Adminis-
9 trator of FEMA shall—

10 “(i) select each grant recipient on—

11 “(I) the demonstrated research
12 and extension resources available to
13 the recipient to carry out the re-
14 search, development, and technology
15 transfer activities;

16 “(II) the capability of the recipi-
17 ent to provide leadership in making
18 national contributions to fire safety;

19 “(III) the recipient’s ability to
20 disseminate the results of fire safety
21 research; and

22 “(IV) the strategic plan the re-
23 cipient proposes to carry out under
24 the grant;

1 “(ii) give special consideration in se-
2 lecting recipients under subparagraph (A)
3 to an applicant for a grant that consists of
4 a partnership between—

5 “(I) a national fire service orga-
6 nization or a national fire safety orga-
7 nization; and

8 “(II) an institution of higher
9 education, including a minority-serv-
10 ing institution (as described in section
11 371(a) of the Higher Education Act
12 of 1965 (20 U.S.C. 1067q(a))); and

13 “(iii) consider the research needs
14 identified and prioritized through the
15 workshop required by subparagraph (B)(i).

16 “(B) RESEARCH NEEDS.—

17 “(i) IN GENERAL.—Not later than 90
18 days after the date of the enactment of the
19 Fire Grants Reauthorization Act of 2012,
20 the Administrator of FEMA shall convene
21 a workshop of the fire safety research com-
22 munity, fire service organizations, and
23 other appropriate stakeholders to identify
24 and prioritize fire safety research needs.

1 “(ii) PUBLICATION.—The Adminis-
2 trator of FEMA shall ensure that the re-
3 sults of the workshop are made available to
4 the public.

5 “(C) LIMITATIONS ON GRANTS FOR FIRE
6 SAFETY RESEARCH CENTERS.—

7 “(i) IN GENERAL.—The Administrator
8 of FEMA may award grants under sub-
9 section (d) to establish not more than 3
10 fire safety research centers.

11 “(ii) RECIPIENTS.—An institution of
12 higher education, a national fire service or-
13 ganization, and a national fire safety orga-
14 nization may not directly receive a grant
15 under subsection (d) for a fiscal year for
16 more than 1 fire safety research center.

17 “(5) AVOIDING DUPLICATION.—The Adminis-
18 trator of FEMA shall review lists submitted by ap-
19 plicants pursuant to subsection (e)(2)(D) and take
20 such actions as the Administrator of FEMA con-
21 siders necessary to prevent unnecessary duplication
22 of grant awards.

23 “(k) MATCHING AND MAINTENANCE OF EXPENDI-
24 TURE REQUIREMENTS.—

1 “(1) MATCHING REQUIREMENT FOR ASSIST-
2 ANCE TO FIREFIGHTERS GRANTS.—

3 “(A) IN GENERAL.—Except as provided in
4 subparagraph (B), an applicant seeking a grant
5 to carry out an activity under subsection (c)
6 shall agree to make available non-Federal funds
7 to carry out such activity in an amount equal
8 to not less than 15 percent of the grant award-
9 ed to such applicant under such subsection.

10 “(B) EXCEPTION FOR ENTITIES SERVING
11 SMALL COMMUNITIES.—In the case that an ap-
12 plicant seeking a grant to carry out an activity
13 under subsection (c) serves a jurisdiction of—

14 “(i) more than 20,000 residents but
15 not more than 1,000,000 residents, the ap-
16 plication shall agree to make available non-
17 Federal funds in an amount equal to not
18 less than 10 percent of the grant awarded
19 to such applicant under such subsection;
20 and

21 “(ii) 20,000 residents or fewer, the
22 applicant shall agree to make available
23 non-Federal funds in an amount equal to
24 not less than 5 percent of the grant award-

1 ed to such applicant under such sub-
2 section.

3 “(2) MATCHING REQUIREMENT FOR FIRE PRE-
4 VENTION AND SAFETY GRANTS.—

5 “(A) IN GENERAL.—An applicant seeking
6 a grant to carry out an activity under sub-
7 section (d) shall agree to make available non-
8 Federal funds to carry out such activity in an
9 amount equal to not less than 5 percent of the
10 grant awarded to such applicant under such
11 subsection.

12 “(B) MEANS OF MATCHING.—An applicant
13 for a grant under subsection (d) may meet the
14 matching requirement under subparagraph (A)
15 through direct funding, funding of complemen-
16 tary activities, or the provision of staff, facili-
17 ties, services, material, or equipment.

18 “(3) MAINTENANCE OF EXPENDITURES.—An
19 applicant seeking a grant under subsection (c) or (d)
20 shall agree to maintain during the term of the grant
21 the applicant’s aggregate expenditures relating to
22 the uses described in subsections (c)(3) and (d)(3)
23 at not less than 80 percent of the average amount
24 of such expenditures in the 2 fiscal years preceding

1 the fiscal year in which the grant amounts are re-
2 ceived.

3 “(4) WAIVER.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (C)(ii), the Administrator of
6 FEMA may waive or reduce the requirements
7 of paragraphs (1), (2), and (3) in cases of dem-
8 onstrated economic hardship.

9 “(B) GUIDELINES.—

10 “(i) IN GENERAL.—The Administrator
11 of FEMA shall establish and publish
12 guidelines for determining what constitutes
13 economic hardship for purposes of this
14 paragraph.

15 “(ii) CONSULTATION.—In developing
16 guidelines under clause (i), the Adminis-
17 trator of FEMA shall consult with individ-
18 uals who are—

19 “(I) recognized for expertise in
20 firefighting, emergency medical serv-
21 ices provided by fire services, or the
22 economic affairs of State and local
23 governments; and

24 “(II) members of national fire
25 service organizations or national orga-

1 nizations representing the interests of
2 State and local governments.

3 “(iii) CONSIDERATIONS.—In devel-
4 oping guidelines under clause (i), the Ad-
5 ministrator of FEMA shall consider, with
6 respect to relevant communities, the fol-
7 lowing:

8 “(I) Changes in rates of unem-
9 ployment from previous years.

10 “(II) Whether the rates of unem-
11 ployment of the relevant communities
12 are currently and have consistently ex-
13 ceeded the annual national average
14 rates of unemployment.

15 “(III) Changes in percentages of
16 individuals eligible to receive food
17 stamps from previous years.

18 “(IV) Such other factors as the
19 Administrator of FEMA considers ap-
20 propriate.

21 “(C) CERTAIN APPLICANTS FOR FIRE PRE-
22 VENTION AND SAFETY GRANTS.—The authority
23 under subparagraph (A) shall not apply with
24 respect to a nonprofit organization that—

1 “(i) is described in subsection
2 (d)(1)(B); and

3 “(ii) is not a fire department or emer-
4 gency medical services organization.

5 “(1) GRANT GUIDELINES.—

6 “(1) GUIDELINES.—For each fiscal year, prior
7 to awarding any grants under this section, the Ad-
8 ministrator of FEMA shall publish in the Federal
9 Register—

10 “(A) guidelines that describe—

11 “(i) the process for applying for
12 grants under this section; and

13 “(ii) the criteria that will be used for
14 selecting grant recipients; and

15 “(B) an explanation of any differences be-
16 tween such guidelines and the recommendations
17 obtained under paragraph (2).

18 “(2) ANNUAL MEETING TO OBTAIN REC-
19 COMMENDATIONS.—

20 “(A) IN GENERAL.—For each fiscal year,
21 the Administrator of FEMA shall convene a
22 meeting of qualified members of national fire
23 service organizations and, at the discretion of
24 the Administrator of FEMA, qualified members
25 of emergency medical service organizations to

1 obtain recommendations regarding the fol-
2 lowing:

3 “(i) Criteria for the awarding of
4 grants under this section.

5 “(ii) Administrative changes to the as-
6 sistance program established under sub-
7 section (b).

8 “(B) QUALIFIED MEMBERS.—For purposes
9 of this paragraph, a qualified member of an or-
10 ganization is a member who—

11 “(i) is recognized for expertise in fire-
12 fighting or emergency medical services;

13 “(ii) is not an employee of the Federal
14 Government; and

15 “(iii) in the case of a member of an
16 emergency medical service organization, is
17 a member of an organization that rep-
18 resents—

19 “(I) providers of emergency med-
20 ical services that are affiliated with
21 fire departments; or

22 “(II) nonaffiliated EMS pro-
23 viders.

24 “(3) APPLICABILITY OF FEDERAL ADVISORY
25 COMMITTEE ACT.—The Federal Advisory Committee

1 Act (5 U.S.C. App.) shall not apply to activities car-
2 ried out under this subsection.

3 “(m) ACCOUNTING DETERMINATION.—Notwith-
4 standing any other provision of law, for purposes of this
5 section, equipment costs shall include all costs attributable
6 to any design, purchase of components, assembly, manu-
7 facture, and transportation of equipment not otherwise
8 commercially available.

9 “(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA
10 NATIVE VILLAGES.—The Alaska Village Initiatives, a
11 non-profit organization incorporated in the State of Alas-
12 ka, shall be eligible to apply for and receive a grant or
13 other assistance under this section on behalf of Alaska Na-
14 tive villages.

15 “(o) TRAINING STANDARDS.—If an applicant for a
16 grant under this section is applying for such grant to pur-
17 chase training that does not meet or exceed any applicable
18 national voluntary consensus standards, including those
19 developed under section 647 of the Post-Katrina Emer-
20 gency Management Reform Act of 2006 (6 U.S.C. 747),
21 the applicant shall submit to the Administrator of FEMA
22 an explanation of the reasons that the training proposed
23 to be purchased will serve the needs of the applicant better
24 than training that meets or exceeds such standards.

25 “(p) ENSURING EFFECTIVE USE OF GRANTS.—

1 “(1) AUDITS.—The Administrator of FEMA
2 may audit a recipient of a grant awarded under this
3 section to ensure that—

4 “(A) the grant amounts are expended for
5 the intended purposes; and

6 “(B) the grant recipient complies with the
7 requirements of subsection (k).

8 “(2) PERFORMANCE ASSESSMENT.—

9 “(A) IN GENERAL.—The Administrator of
10 FEMA shall develop and implement a perform-
11 ance assessment system, including quantifiable
12 performance metrics, to evaluate the extent to
13 which grants awarded under this section are
14 furthering the purposes of this section, includ-
15 ing protecting the health and safety of the pub-
16 lic and firefighting personnel against fire and
17 fire-related hazards.

18 “(B) CONSULTATION.—The Administrator
19 of FEMA shall consult with fire service rep-
20 resentatives and with the Comptroller General
21 of the United States in developing the assess-
22 ment system required by subparagraph (A).

23 “(3) ANNUAL REPORTS TO ADMINISTRATOR OF
24 FEMA.—Not less frequently than once each year
25 during the term of a grant awarded under this sec-

1 tion, the recipient of the grant shall submit to the
2 Administrator of FEMA an annual report describing
3 how the recipient used the grant amounts.

4 “(4) ANNUAL REPORTS TO CONGRESS.—

5 “(A) IN GENERAL.—Not later than Sep-
6 tember 30, 2013, and each year thereafter
7 through 2017, the Administrator of FEMA
8 shall submit to the Committee on Homeland
9 Security and Governmental Affairs of the Sen-
10 ate and the Committee on Science and Tech-
11 nology and the Committee on Transportation
12 and Infrastructure of the House of Representa-
13 tives a report that provides—

14 “(i) information on the performance
15 assessment system developed under para-
16 graph (2); and

17 “(ii) using the performance metrics
18 developed under such paragraph, an eval-
19 uation of the effectiveness of the grants
20 awarded under this section.

21 “(B) ADDITIONAL INFORMATION.—The re-
22 port due under subparagraph (A) on September
23 30, 2016, shall also include recommendations
24 for legislative changes to improve grants under
25 this section.

1 “(q) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) IN GENERAL.—There is authorized to be
3 appropriated to carry out this section—

4 “(A) \$750,000,000 for fiscal year 2013;
5 and

6 “(B) for each of fiscal years 2014 through
7 2017, an amount equal to the amount author-
8 ized for the previous fiscal year increased by
9 the percentage by which—

10 “(i) the Consumer Price Index (all
11 items, United States city average) for the
12 previous fiscal year, exceeds

13 “(ii) the Consumer Price Index for
14 the fiscal year preceding the fiscal year de-
15 scribed in clause (i).

16 “(2) ADMINISTRATIVE EXPENSES.—Of the
17 amounts appropriated pursuant to paragraph (1) for
18 a fiscal year, the Administrator of FEMA may use
19 not more than 5 percent of such amounts for sala-
20 ries and expenses and other administrative costs in-
21 curred by the Administrator of FEMA in the course
22 of awarding grants and providing assistance under
23 this section.

24 “(3) CONGRESSIONALLY DIRECTED SPEND-
25 ING.—Consistent with the requirements in sub-

1 sections (c)(1) and (d)(1) that grants under those
2 subsections be awarded on a competitive basis, none
3 of the funds appropriated pursuant to this sub-
4 section may be used for any congressionally directed
5 spending item (as defined under the rules of the
6 Senate and the House of Representatives).

7 “(r) SUNSET OF AUTHORITIES.—The authority to
8 award assistance and grants under this section shall expire
9 on the date that is 5 years after the date of the enactment
10 of the Fire Grants Reauthorization Act of 2012.”.

11 **SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMER-**
12 **GENCY RESPONSE.**

13 (a) IMPROVEMENTS TO HIRING GRANTS.—

14 (1) TERM OF GRANTS.—Subparagraph (B) of
15 section 34(a)(1) of the Federal Fire Prevention and
16 Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is
17 amended to read as follows:

18 “(B) Grants made under this paragraph shall
19 be for 3 years and be used for programs to hire new,
20 additional firefighters.”.

21 (2) LIMITATION OF PORTION OF COSTS OF HIR-
22 ING FIREFIGHTERS.—Subparagraph (E) of such sec-
23 tion is amended to read as follows:

1 “(E) The portion of the costs of hiring fire-
2 fighters provided by a grant under this paragraph
3 may not exceed—

4 “(i) 75 percent in the first year of the
5 grant;

6 “(ii) 75 percent in the second year of the
7 grant; and

8 “(iii) 35 percent in the third year of the
9 grant.”.

10 (b) CLARIFICATION REGARDING ELIGIBLE ENTITIES
11 FOR RECRUITMENT AND RETENTION GRANTS.—The sec-
12 ond sentence of section 34(a)(2) of such Act (15 U.S.C.
13 2229a(a)(2)) is amended by striking “organizations on a
14 local or statewide basis” and inserting “national, State,
15 local, or tribal organizations”.

16 (c) MAXIMUM AMOUNT FOR HIRING A FIRE-
17 FIGHTER.—Paragraph (4) of section 34(c) of such Act (15
18 U.S.C. 2229a(c)) is amended to read as follows:

19 “(4) The amount of funding provided under this sec-
20 tion to a recipient fire department for hiring a firefighter
21 in any fiscal year may not exceed—

22 “(A) in the first year of the grant, 75 percent
23 of the usual annual cost of a first-year firefighter in
24 that department at the time the grant application
25 was submitted;

1 “(B) in the second year of the grant, 75 per-
2 cent of the usual annual cost of a first-year fire-
3 fighter in that department at the time the grant ap-
4 plication was submitted; and

5 “(C) in the third year of the grant, 35 percent
6 of the usual annual cost of a first-year firefighter in
7 that department at the time the grant application
8 was submitted.”.

9 (d) WAIVERS.—Section 34 of such Act (15 U.S.C.
10 2229a) is amended—

11 (1) by redesignating subsections (d) through (i)
12 as subsections (e) through (j), respectively; and

13 (2) by inserting after subsection (c) the fol-
14 lowing:

15 “(d) WAIVERS.—

16 “(1) IN GENERAL.—In a case of demonstrated
17 economic hardship, the Administrator of FEMA
18 may—

19 “(A) waive the requirements of subsection
20 (c)(1); or

21 “(B) waive or reduce the requirements in
22 subsection (a)(1)(E) or subsection (c)(2).

23 “(2) GUIDELINES.—

24 “(A) IN GENERAL.—The Administrator of
25 FEMA shall establish and publish guidelines for

1 determining what constitutes economic hardship
2 for purposes of paragraph (1).

3 “(B) CONSULTATION.—In developing
4 guidelines under subparagraph (A), the Admin-
5 istrator of FEMA shall consult with individuals
6 who are—

7 “(i) recognized for expertise in fire-
8 fighting, emergency medical services pro-
9 vided by fire services, or the economic af-
10 fairs of State and local governments; and

11 “(ii) members of national fire service
12 organizations or national organizations
13 representing the interests of State and
14 local governments.

15 “(C) CONSIDERATIONS.—In developing
16 guidelines under subparagraph (A), the Admin-
17 istrator of FEMA shall consider, with respect to
18 relevant communities, the following:

19 “(i) Changes in rates of unemploy-
20 ment from previous years.

21 “(ii) Whether the rates of unemploy-
22 ment of the relevant communities are cur-
23 rently and have consistently exceeded the
24 annual national average rates of unemploy-
25 ment.

1 “(iii) Changes in percentages of indi-
2 viduals eligible to receive food stamps from
3 previous years.

4 “(iv) Such other factors as the Ad-
5 ministrator of FEMA considers appro-
6 priate.”.

7 (e) IMPROVEMENTS TO PERFORMANCE EVALUATION
8 REQUIREMENTS.—Subsection (e) of section 34 of such
9 Act (15 U.S.C. 2229a), as redesignated by subsection
10 (d)(1) of this section, is amended by inserting before the
11 first sentence the following:

12 “(1) IN GENERAL.—The Administrator of
13 FEMA shall establish a performance assessment sys-
14 tem, including quantifiable performance metrics, to
15 evaluate the extent to which grants awarded under
16 this section are furthering the purposes of this sec-
17 tion.

18 “(2) SUBMITTAL OF INFORMATION.—”.

19 (f) REPORT.—

20 (1) IN GENERAL.—Subsection (f) of section 34
21 of such Act (15 U.S.C. 2229a), as redesignated by
22 subsection (d)(1) of this section, is amended by
23 striking “The authority” and all that follows
24 through “Congress concerning” and inserting the
25 following: “Not later than September 30, 2014, the

1 Administrator of FEMA shall submit to the Com-
2 mittee on Homeland Security and Governmental Af-
3 fairs of the Senate and the Committee on Science
4 and Technology and the Committee on Transpor-
5 tation and Infrastructure of the House of Represent-
6 atives a report on”.

7 (2) CONFORMING AMENDMENT.—The heading
8 for subsection (f) of section 34 of such Act (15
9 U.S.C. 2229a), as redesignated by subsection (d)(1)
10 of this section, is amended by striking “SUNSET AND
11 REPORTS” and inserting “REPORT”.

12 (g) ADDITIONAL DEFINITIONS.—

13 (1) IN GENERAL.—Subsection (i) of section 34
14 of such Act (15 U.S.C. 2229a), as redesignated by
15 subsection (d)(1) of this section, is amended—

16 (A) in the matter before paragraph (1), by
17 striking “In this section, the term—” and in-
18 serting “In this section:”;

19 (B) in paragraph (1)—

20 (i) by inserting “The term” before
21 “‘firefighter’ has”; and

22 (ii) by striking “; and” and inserting
23 a period;

24 (C) by striking paragraph (2); and

25 (D) by inserting at the end the following:

1 “(2) The terms ‘Administrator of FEMA’, ‘ca-
2 reer fire department’, ‘combination fire department’,
3 and ‘volunteer fire department’ have the meanings
4 given such terms in section 33(a).”.

5 (2) CONFORMING AMENDMENT.—Section
6 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A))
7 is amended by striking “career, volunteer, and com-
8 bination fire departments” and inserting “career fire
9 departments, combination fire departments, and vol-
10 unteer fire departments”.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—Subsection (j) of section 34
13 of such Act (15 U.S.C. 2229a), as redesignated by
14 subsection (d)(1) of this section, is amended—

15 (A) in paragraph (6), by striking “and” at
16 the end;

17 (B) in paragraph (7), by striking the pe-
18 riod at the end and inserting “; and”; and

19 (C) by adding at the end the following:

20 “(8) \$750,000,000 for fiscal year 2013; and

21 “(9) for each of fiscal years 2014 through
22 2017, an amount equal to the amount authorized for
23 the previous fiscal year increased by the percentage
24 by which—

1 “(A) the Consumer Price Index (all items,
2 United States city average) for the previous fis-
3 cal year, exceeds

4 “(B) the Consumer Price Index for the fis-
5 cal year preceding the fiscal year described in
6 subparagraph (A).”.

7 (2) ADMINISTRATIVE EXPENSES.—Such sub-
8 section (j) is further amended—

9 (A) in paragraph (9), as added by para-
10 graph (1) of this subsection, by redesignating
11 subparagraphs (A) and (B) as clauses (i) and
12 (ii), respectively, and moving the left margin of
13 such clauses, as so redesignated, 2 ems to the
14 right;

15 (B) by redesignating paragraphs (1)
16 through (9) as subparagraphs (A) through (I),
17 respectively, and moving the left margin of such
18 subparagraphs, as so redesignated, 2 ems to the
19 right;

20 (C) by striking “There are” and inserting
21 the following:

22 “(1) IN GENERAL.—There are”; and

23 (D) by adding at the end the following:

24 “(2) ADMINISTRATIVE EXPENSES.—Of the
25 amounts appropriated pursuant to paragraph (1) for

1 a fiscal year, the Administrator of FEMA may use
2 not more than 5 percent of such amounts to cover
3 salaries and expenses and other administrative costs
4 incurred by the Administrator of FEMA to make
5 grants and provide assistance under this section.”.

6 (3) CONGRESSIONALLY DIRECTED SPENDING.—
7 Such subsection (j) is further amended by adding at
8 the end the following:

9 “(3) CONGRESSIONALLY DIRECTED SPEND-
10 ING.—Consistent with the requirement in subsection
11 (a) that grants under this section be awarded on a
12 competitive basis, none of the funds appropriated
13 pursuant to this subsection may be used for any
14 congressionally direct spending item (as defined
15 under the rules of the Senate and the House of Rep-
16 resentatives).”.

17 (i) TECHNICAL AMENDMENT.—Section 34 of such
18 Act (15 U.S.C. 2229a) is amended by striking “Adminis-
19 trator” each place it appears and inserting “Administrator
20 of FEMA”.

21 (j) CLERICAL AMENDMENT.—Such section is further
22 amended in the heading by striking “**EXPANSION OF**
23 **PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**”
24 and inserting the following: “**STAFFING FOR ADEQUATE**
25 **FIRE AND EMERGENCY RESPONSE**”.

1 (k) SUNSET OF AUTHORITY TO AWARD HIRING
2 GRANTS.—Such section is further amended by adding at
3 the end the following:

4 “(k) SUNSET OF AUTHORITIES.—The authority to
5 award assistance and grants under this section shall expire
6 on the date that is 5 years after the date of the enactment
7 of the Fire Grants Reauthorization Act of 2012.”.

8 **SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING**
9 **OF ASSISTANCE TO FIREFIGHTERS AND**
10 **STAFFING FOR ADEQUATE FIRE AND EMER-**
11 **GENCY RESPONSE PROGRAMS.**

12 It is the sense of Congress that—

13 (1) the grants and assistance awarded under
14 sections 33 and 34 of the Federal Fire Prevention
15 and Control Act of 1974 (15 U.S.C. 2229 and
16 2229a) have proven equally valuable in protecting
17 the health and safety of the public and firefighting
18 personnel throughout the United States against fire
19 and fire-related hazards; and

20 (2) providing parity in funding for the awarding
21 of grants and assistance under both such sections
22 will ensure that the grant and assistance programs
23 under such sections can continue to serve their com-
24plementary purposes.

1 **SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO**
2 **FIREFIGHTERS AND STAFFING FOR ADE-**
3 **QUATE FIRE AND EMERGENCY RESPONSE**
4 **PROGRAMS.**

5 (a) IN GENERAL.—Not later than September 30,
6 2016, the Comptroller General of the United States shall
7 submit to the Committee on Homeland Security and Gov-
8 ernmental Affairs of the Senate and the Committee on
9 Science and Technology of the House of Representatives
10 a report on the effect of the amendments made by this
11 subtitle.

12 (b) CONTENTS.—The report required by subsection
13 (a) shall include the following:

14 (1) An assessment of the effect of the amend-
15 ments made by sections 1803 and 1804 on the effec-
16 tiveness, relative allocation, accountability, and ad-
17 ministration of the grants and assistance awarded
18 under sections 33 and 34 of the Federal Fire Pre-
19 vention and Control Act of 1974 (15 U.S.C. 2229
20 and 2229a) after the date of the enactment of this
21 Act.

22 (2) An evaluation of the extent to which the
23 amendments made by sections 1803 and 1804 have
24 enabled recipients of grants and assistance awarded
25 under such sections 33 and 34 after the date of the

1 enactment of this Act to mitigate fire and fire-re-
2 lated and other hazards more effectively.

3 **SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE**
4 **SERVICES.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the United
8 States Fire Administration.

9 (2) CAREER FIRE DEPARTMENT, COMBINATION
10 FIRE DEPARTMENT, VOLUNTEER FIRE DEPART-
11 MENT.—The terms “career fire department”, “com-
12 bination fire department”, and “volunteer fire de-
13 partment” have the meanings given such terms in
14 section 33(a) of the Federal Fire Prevention and
15 Control Act of 1974 (15 U.S.C. 2229(a)), as amend-
16 ed by section 1803.

17 (3) FIRE SERVICE.—The term “fire service”
18 has the meaning given such term in section 4 of the
19 Federal Fire Prevention and Control Act of 1974
20 (15 U.S.C. 2203).

21 (b) STUDY AND REPORT ON COMPLIANCE WITH
22 STAFFING STANDARDS.—

23 (1) STUDY.—The Administrator shall conduct a
24 study on the level of compliance with national vol-
25 untary consensus standards for staffing, training,

1 safe operations, personal protective equipment, and
2 fitness among the fire services of the United States.

3 (2) SURVEY.—

4 (A) IN GENERAL.—In carrying out the
5 study required by paragraph (1), the Adminis-
6 trator shall carry out a survey of fire services
7 to assess the level of compliance of such fire
8 services with the standards described in such
9 paragraph.

10 (B) ELEMENTS.—The survey required by
11 subparagraph (A) shall—

12 (i) include career fire departments,
13 volunteer fire departments, combination
14 fire departments, and fire departments
15 serving communities of different sizes, and
16 such other distinguishing factors as the
17 Administrator considers relevant;

18 (ii) employ methods to ensure that the
19 survey accurately reflects the actual rate of
20 compliance with the standards described in
21 paragraph (1) among fire services; and

22 (iii) determine the extent of barriers
23 and challenges to achieving compliance
24 with the standards described in paragraph
25 (1) among fire services.

1 (C) AUTHORITY TO CARRY OUT SURVEY
2 WITH NONPROFIT.—If the Administrator deter-
3 mines that it will reduce the costs incurred by
4 the United States Fire Administration in car-
5 rying out the survey required by subparagraph
6 (A), the Administrator may carry out such sur-
7 vey in conjunction with a nonprofit organization
8 that has substantial expertise and experience in
9 the following areas:

10 (i) The fire services.

11 (ii) National voluntary consensus
12 standards.

13 (iii) Contemporary survey methods.

14 (3) REPORT ON FINDINGS OF STUDY.—

15 (A) IN GENERAL.—Not later than 2 years
16 after the date of the enactment of this Act, the
17 Administrator shall submit to Congress a report
18 on the findings of the Administrator with re-
19 spect to the study required by paragraph (1).

20 (B) CONTENTS.—The report required by
21 subparagraph (A) shall include the following:

22 (i) An accurate description, based on
23 the results of the survey required by para-
24 graph (2)(A), of the rate of compliance
25 with the standards described in paragraph

1 (1) among United States fire services, in-
2 cluding a comparison of the rates of com-
3 pliance among career fire departments, vol-
4 unteer fire departments, combination fire
5 departments, and fire departments serving
6 communities of different sizes, and such
7 other comparisons as Administrator con-
8 siders relevant.

9 (ii) A description of the challenges
10 faced by different types of fire departments
11 and different types of communities in com-
12 plying with the standards described in
13 paragraph (1).

14 (c) TASK FORCE TO ENHANCE FIREFIGHTER SAFE-
15 TY.—

16 (1) ESTABLISHMENT.—Not later than 60 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Homeland Security shall establish a task
19 force to be known as the “Task Force to Enhance
20 Firefighter Safety” (in this subsection referred to as
21 the “Task Force”).

22 (2) MEMBERSHIP.—

23 (A) IN GENERAL.—Members of the Task
24 Force shall be appointed by the Secretary from

1 among the general public and shall include the
2 following:

3 (i) Representatives of national organi-
4 zations representing firefighters and fire
5 chiefs.

6 (ii) Individuals representing stand-
7 ards-setting and accrediting organizations,
8 including representatives from the vol-
9 untary consensus codes and standards de-
10 velopment community.

11 (iii) Such other individuals as the Sec-
12 retary considers appropriate.

13 (B) REPRESENTATIVES OF OTHER DE-
14 PARTMENTS AND AGENCIES.—The Secretary
15 may invite representatives of other Federal de-
16 partments and agencies that have an interest in
17 fire services to participate in the meetings and
18 other activities of the Task Force.

19 (C) NUMBER; TERMS OF SERVICE; PAY
20 AND ALLOWANCES.—The Secretary shall deter-
21 mine the number, terms of service, and pay and
22 allowances of members of the Task Force ap-
23 pointed by the Secretary, except that a term of
24 service of any such member may not exceed 2
25 years.

1 (3) RESPONSIBILITIES.—The Task Force
2 shall—

3 (A) consult with the Secretary in the con-
4 duct of the study required by subsection (b)(1);
5 and

6 (B) develop a plan to enhance firefighter
7 safety by increasing fire service compliance with
8 the standards described in subsection (b)(1), in-
9 cluding by—

10 (i) reviewing and evaluating the report
11 required by subsection (b)(3)(A) to deter-
12 mine the extent of and barriers to achiev-
13 ing compliance with the standards de-
14 scribed in subsection (b)(1) among fire
15 services; and

16 (ii) considering ways in which the
17 Federal Government, States, and local gov-
18 ernments can promote or encourage fire
19 services to comply with such standards.

20 (4) REPORT.—

21 (A) IN GENERAL.—Not later than 180
22 days after the date on which the Secretary sub-
23 mits the report required by subsection
24 (b)(3)(A), the Task Force shall submit to Con-

1 gress and the Secretary a report on the activi-
2 ties and findings of the Task Force.

3 (B) CONTENTS.—The report required by
4 subparagraph (A) shall include the following:

5 (i) The findings and recommendations
6 of the Task Force with respect to the
7 study carried out under subsection (b)(1).

8 (ii) The plan developed under para-
9 graph (3)(B).

10 (d) STUDY AND REPORT ON THE NEEDS OF FIRE
11 SERVICES.—

12 (1) STUDY.—The Administrator shall conduct a
13 study—

14 (A) to define the current roles and activi-
15 ties associated with fire services on a national,
16 State, regional, and local level;

17 (B) to identify the equipment, staffing,
18 and training required to fulfill the roles and ac-
19 tivities defined under subparagraph (A);

20 (C) to conduct an assessment to identify
21 gaps between what fire services currently pos-
22 sess and what they require to meet the equip-
23 ment, staffing, and training needs identified
24 under subparagraph (B) on a national and
25 State-by-State basis; and

1 (D) to measure the impact of the grant
2 and assistance program under section 33 of the
3 Federal Fire Prevention and Control Act of
4 1974 (15 U.S.C. 2229) in meeting the needs of
5 fire services and filling the gaps identified
6 under subparagraph (C).

7 (2) REPORT.—Not later than 2 years after the
8 date of the enactment of this title, the Administrator
9 shall submit to Congress a report on the findings of
10 the Administrator with respect to the study con-
11 ducted under paragraph (1).

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to the Administrator to
14 carry out this section—

15 (1) \$600,000 for fiscal year 2013; and

16 (2) \$600,000 for fiscal year 2014.

17 **Subtitle B—Reauthorization of**
18 **United States Fire Administration**

19 **SEC. 1811. SHORT TITLE.**

20 This subtitle may be cited as the “United States Fire
21 Administration Reauthorization Act of 2012”.

1 **SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN**
2 **UNITED STATES FIRE ADMINISTRATION AND**
3 **FEDERAL EMERGENCY MANAGEMENT AGEN-**
4 **CY.**

5 Section 5(c) of the Federal Fire Prevention and Con-
6 trol Act of 1974 (15 U.S.C. 2204) is amended to read
7 as follows:

8 “(c) DEPUTY ADMINISTRATOR.—The Administrator
9 may appoint a Deputy Administrator, who shall—

10 “(1) perform such functions as the Adminis-
11 trator shall from time to time assign or delegate;
12 and

13 “(2) act as Administrator during the absence or
14 disability of the Administrator or in the event of a
15 vacancy in the office of Administrator.”.

16 **SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINIS-**
17 **TRATOR TO EDUCATE PUBLIC ABOUT FIRE**
18 **AND FIRE PREVENTION.**

19 Section 6 of the Federal Fire Prevention and Control
20 Act of 1974 (15 U.S.C. 2205) is amended by striking “to
21 take all steps” and all that follows through “fire and fire
22 prevention.” and inserting “to take such steps as the Ad-
23 ministrator considers appropriate to educate the public
24 and overcome public indifference as to fire, fire prevention,
25 and individual preparedness.”.

1 **SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 17(g)(1) of the Federal Fire Prevention and
3 Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

4 (1) in subparagraph (G), by striking “and” at
5 the end;

6 (2) in subparagraph (H), by striking the period
7 at the end and inserting a semicolon;

8 (3) by adding after subparagraph (H) the fol-
9 lowing:

10 “(I) \$76,490,890 for fiscal year 2013, of which
11 \$2,753,672 shall be used to carry out section 8(f);

12 “(J) \$76,490,890 for fiscal year 2014, of which
13 \$2,753,672 shall be used to carry out section 8(f);

14 “(K) \$76,490,890 for fiscal year 2015, of which
15 \$2,753,672 shall be used to carry out section 8(f);

16 “(L) \$76,490,890 for fiscal year 2016, of which
17 \$2,753,672 shall be used to carry out section 8(f);

18 and

19 “(M) \$76,490,890 for fiscal year 2017, of
20 which \$2,753,672 shall be used to carry out section
21 8(f).”; and

22 (4) in subparagraphs (E) through (H), by mov-
23 ing each margin 2 ems to the left.

24 **SEC. 1815. REMOVAL OF LIMITATION.**

25 Section 9(d) of the Federal Fire Prevention and Con-
26 trol Act of 1974 (15 U.S.C. 2208(d)) is amended—

1 (1) by striking “UPDATE.—” and all that fol-
2 lows through “The Administrator” and inserting
3 “UPDATE.—The Administrator”; and

4 (2) by striking paragraph (2).

5 **DIVISION B—MILITARY CON-**
6 **STRUCTION AUTHORIZA-**
7 **TIONS**

8 **SEC. 2001. SHORT TITLE.**

9 This division may be cited as the “Military Construc-
10 tion Authorization Act for Fiscal Year 2013”.

11 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
12 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
13 **LAW.**

14 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
15 YEARS.—Except as provided in subsection (b), all author-
16 izations contained in titles XXI through XXVII and title
17 XXIX of this division for military construction projects,
18 land acquisition, family housing projects and facilities, and
19 contributions to the North Atlantic Treaty Organization
20 Security Investment Program (and authorizations of ap-
21 propriations therefor) shall expire on the later of—

22 (1) October 1, 2015; or

23 (2) the date of the enactment of an Act author-
24 izing funds for military construction for fiscal year
25 2016.

1 (b) EXCEPTION.—Subsection (a) shall not apply to
2 authorizations for military construction projects, land ac-
3 quisition, family housing projects and facilities, and con-
4 tributions to the North Atlantic Treaty Organization Se-
5 curity Investment Program (and authorizations of appro-
6 priations therefor), for which appropriated funds have
7 been obligated before the later of—

8 (1) October 1, 2015; or

9 (2) the date of the enactment of an Act author-
10 izing funds for fiscal year 2016 for military con-
11 struction projects, land acquisition, family housing
12 projects and facilities, or contributions to the North
13 Atlantic Treaty Organization Security Investment
14 Program.

15 **TITLE XXI—ARMY MILITARY**
16 **CONSTRUCTION**

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

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Modification of authority to carry out certain fiscal year 2010
project.

Sec. 2105. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2106. Extension of authorizations of certain fiscal year 2010 projects.

Sec. 2107. Extension of limitation on obligation or expenditure of funds for
tour normalization.

Sec. 2108. Limitation on project authorization to carry out certain fiscal year
2013 project.

17 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
18 **ACQUISITION PROJECTS.**

19 (a) INSIDE THE UNITED STATES.—Using amounts
20 appropriated pursuant to the authorization of appropria-

1 tions in section 2103(a) and available for military con-
 2 struction projects inside the United States as specified in
 3 the funding table in section 4601, the Secretary of the
 4 Army may acquire real property and carry out military
 5 construction projects for the installations or locations in-
 6 side the United States, and in the amounts, set forth in
 7 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	\$10,400,000
	Joint Base Elmendorf-Richardson	\$7,900,000
California	Concord	\$8,900,000
Colorado	Fort Carson	\$18,000,000
District of Columbia	Fort McNair	\$7,200,000
Georgia	Fort Benning	\$16,000,000
	Fort Gordon	\$23,300,000
Hawaii	Fort Stewart	\$49,650,000
	Pohakuloa Training Area	\$29,000,000
	Schofield Barracks	\$96,000,000
Kansas	Wheeler Army Air Field	\$85,000,000
	Fort Riley	\$12,200,000
Kentucky	Fort Campbell	\$81,800,000
	Fort Knox	\$6,000,000
Missouri	Fort Leonard Wood	\$123,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	\$47,000,000
	Picatinny Arsenal	\$10,200,000
New York	Fort Drum	\$95,000,000
	U.S. Military Academy	\$192,000,000
North Carolina	Fort Bragg	\$68,000,000
Oklahoma	Fort Sill	\$4,900,000
South Carolina	Fort Jackson	\$24,000,000
Texas	Corpus Christi	\$37,200,000
	Fort Bliss	\$7,200,000
	Fort Hood	\$51,200,000
	Joint Base San Antonio	\$21,000,000
Virginia	Fort Belvoir	\$94,000,000
	Fort Lee	\$81,000,000
Washington	Joint Base Lewis-McChord	\$164,000,000
	Yakima	\$5,100,000

8 (b) OUTSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2103(a) and available for military con-
 11 struction projects outside the United States as specified
 12 in the funding table in section 4601, the Secretary of the

1 Army may acquire real property and carry out military
 2 construction projects for the installations or locations out-
 3 side the United States, and in the amounts, set forth in
 4 the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Italy	Camp Ederle	\$36,000,000
	Vicenza	\$32,000,000
Japan	Okinawa	\$78,000,000
	Sagami	\$18,000,000
Korea	Camp Humphreys	\$45,000,000

5 **SEC. 2102. FAMILY HOUSING.**

6 Using amounts appropriated pursuant to the author-
 7 ization of appropriations in section 2103(a) and available
 8 for military family housing functions as specified in the
 9 funding table in section 4601, the Secretary of the Army
 10 may carry out architectural and engineering services and
 11 construction design activities with respect to the construc-
 12 tion or improvement of family housing units in an amount
 13 not to exceed \$4,641,000.

14 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 16 are hereby authorized to be appropriated for fiscal years
 17 beginning after September 30, 2012, for military con-
 18 struction, land acquisition, and military family housing
 19 functions of the Department of the Army as specified in
 20 the funding table in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
2 PROJECTS.—Notwithstanding the cost variations author-
3 ized by section 2853 of title 10, United States Code, and
4 any other cost variation authorized by law, the total cost
5 of all projects carried out under section 2101 of this Act
6 may not exceed the sum of the following:

7 (1) The total amount authorized to be appro-
8 priated under subsection (a), as specified in the
9 funding table in section 4601.

10 (2) \$106,000,000 (the balance of the amount
11 authorized under section 2101(a) for cadet barracks
12 increment 1 at the United States Military Academy,
13 New York).

14 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
15 **CERTAIN FISCAL YEAR 2010 PROJECT.**

16 In the case of the authorization contained in the table
17 in section 2101(a) of the Military Construction Authoriza-
18 tion Act for Fiscal Year 2010 (division B of Public Law
19 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for
20 construction of a Road and Access Control Point at the
21 installation, the Secretary of the Army may construct a
22 standard design Access Control Point consistent with the
23 Army’s construction guidelines for Access Control Points.

1 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2009 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2009 (division B of Public Law 110–417; 122 Stat.
 6 4658), authorizations set forth in the table in subsection
 7 (b), as provided in section 2101 of that Act (122 Stat.
 8 4659), shall remain in effect until October 1, 2013, or the
 9 date of the enactment of an Act authorizing funds for mili-
 10 tary construction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot	Lake Yard Interchange	\$1,400,000
New Jersey	Picatinny Arsenal	Ballistic evaluation Facility Phase I	\$9,900,000

13 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 14 **FISCAL YEAR 2010 PROJECTS.**

15 (a) EXTENSION.—Notwithstanding section 2002 of
 16 the Military Construction Authorization Act for Fiscal
 17 Year 2010 (division B of Public Law 111–84; 123 Stat.
 18 2627), authorizations set forth in the table in subsection
 19 (b), as provided in section 2101 of that Act (123 Stat.
 20 2628), shall remain in effect until October 1, 2013, or the

1 date of the enactment of an Act authorizing funds for mili-
 2 tary construction for fiscal year 2014, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a)
 4 is as follows:

Army: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Land Purchases and Con- demnation	\$17,000,000
New Jersey	Picatinny Arse- nal	Ballistic Evaluation Facil- ity Phase 2	\$10,200,000
Virginia	Fort Belvoir	Road and Access Control Point	\$9,500,000
Washington	Fort Lewis	Fort Lewis-McChord AFB Joint Access	\$9,000,000
Kuwait	Kuwait	APS Warehouses	\$82,000,000

5 **SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR**
 6 **EXPENDITURE OF FUNDS FOR TOUR NOR-**
 7 **MALIZATION.**

8 Section 2111 of the Military Construction Authoriza-
 9 tion Act for Fiscal Year 2012 (division B of Public Law
 10 112–81; 125 Stat. 1665) is amended in the matter pre-
 11 ceding paragraph (1) by inserting after “under this Act”
 12 the following: “or an Act authorizing funds for military
 13 construction for fiscal year 2013”.

14 **SEC. 2108. LIMITATION ON PROJECT AUTHORIZATION TO**
 15 **CARRY OUT CERTAIN FISCAL YEAR 2013**
 16 **PROJECT.**

17 The Secretary of the Army may not obligate or ex-
 18 pend any funds authorized in this title for the construction
 19 of a cadet barracks at the United States Military Acad-

1 emy, West Point, New York, until the Secretary of the
2 Army—

3 (1) submits to the congressional defense com-
4 mittees, as part of the future-years defense program
5 submitted to Congress during 2013 under section
6 221 of title 10, United States Code, a plan showing
7 programmed investments to renovate existing cadet
8 barracks at the United States Military Academy;
9 and

10 (2) certifies to the congressional defense com-
11 mittees that the Secretary has entered into a con-
12 tract for the renovation of Scott Barracks at the
13 United States Military Academy.

14 **TITLE XXII—NAVY MILITARY**
15 **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. Modification of authority to carry out certain fiscal year 2012
project.

Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.

Sec. 2207. Extension of authorizations of certain fiscal year 2010 projects.

16 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
17 **ACQUISITION PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts
19 appropriated pursuant to the authorization of appropria-
20 tions in section 2204(a) and available for military con-
21 struction projects inside the United States as specified in

1 the funding table in section 4601, the Secretary of the
 2 Navy may acquire real property and carry out military
 3 construction projects for the installations or locations in-
 4 side the United States, and in the amounts, set forth in
 5 the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	\$29,285,000
California	Camp Pendleton	\$88,110,000
	Coronado	\$78,541,000
	Miramar	\$27,897,000
	Point Mugu	\$12,790,000
	San Diego	\$71,188,000
	Seal Beach	\$30,594,000
	Twentynine Palms	\$47,270,000
Florida	Jacksonville	\$21,980,000
Hawaii	Kaneohe Bay	\$97,310,000
Mississippi	Meridian	\$10,926,000
New Jersey	Earle	\$33,498,000
North Carolina	Camp Lejeune	\$69,890,000
	Cherry Point Marine Corps Air Station	\$45,891,000
	New River	\$8,525,000
South Carolina	Beaufort	\$81,780,000
	Parris Island	\$10,135,000
Virginia	Dahlgren	\$28,228,000
	Oceana Naval Air Station	\$39,086,000
	Portsmouth	\$32,706,000
	Quantico	\$58,714,000
	Yorktown	\$48,823,000
Washington	Whidbey Island	\$6,272,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2204(a) and available for military con-
 9 struction projects outside the United States as specified
 10 in the funding table in section 4601, the Secretary of the
 11 Navy may acquire real property and carry out military
 12 construction projects for the installation or location out-
 13 side the United States, and in the amounts, set forth in
 14 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	SW Asia	\$51,348,000
Diego Garcia	Diego Garcia	\$1,691,000
Greece	Souda Bay	\$25,123,000
Japan	Iwakuni	\$13,138,000
	Okinawa	\$8,206,000
Romania	Deveselu	\$45,205,000
Spain	Rota	\$17,215,000
Worldwide (Unspec- ified)	Unspecified Worldwide Locations	\$34,048,000

1 SEC. 2202. FAMILY HOUSING.

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2204(a) and available
4 for military family housing functions as specified in the
5 funding table in section 4601, the Secretary of the Navy
6 may carry out architectural and engineering services and
7 construction design activities with respect to the construc-
8 tion or improvement of family housing units in an amount
9 not to exceed \$4,527,000.

**10 SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING
11 UNITS.**

12 Subject to section 2825 of title 10, United States
13 Code, and using amounts appropriated pursuant to the
14 authorization of appropriations in section 2204(a) and
15 available for military family housing functions, the Sec-
16 retary of the Navy may improve existing military family
17 housing units in an amount not to exceed \$97,655,000.

18 SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

19 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
20 are hereby authorized to be appropriated for fiscal years

1 beginning after September 30, 2012, for military con-
2 struction, land acquisition, and military family housing
3 functions of the Department of the Navy, as specified in
4 the funding table in section 4601.

5 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
6 PROJECTS.—Notwithstanding the cost variations author-
7 ized by section 2853 of title 10, United States Code, and
8 any other cost variation authorized by law, the total cost
9 of all projects carried out under section 2201 of this Act
10 and the projects described in paragraphs (2) and (3) of
11 this subsection may not exceed the sum of the following:

12 (1) The total amount authorized to be appro-
13 priated under subsection (a), as specified in the
14 funding table in section 4601.

15 (2) \$382,757,000 (the balance of the amount
16 authorized under section 2201(a) of the Military
17 Construction Authorization Act for Fiscal Year 2012
18 (division B of Public Law 112–81; 125 Stat. 1666)
19 for an explosive handling wharf at Kitsap, Wash-
20 ington).

21 (3) \$68,196,000 (the balance of the amount au-
22 thorized under section 2201(b) of the Military Con-
23 struction Authorization Act for Fiscal Year 2010
24 (division B of Public Law 111–84; 123 Stat. 2633)
25 for ramp parking at Joint Region Marianas, Guam).

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2012 PROJECT.**

3 In the case of the authorization contained in the table
4 in section 2201(a) of the Military Construction Authoriza-
5 tion Act for Fiscal Year 2012 (division B of Public Law
6 112–81; 125 Stat. 1666), for Kitsap (Bangor) Wash-
7 ington, for construction of Explosives Handling Wharf No.
8 2 at that location, the Secretary of the Navy may acquire
9 fee or lesser real property interests to accomplish required
10 environmental mitigation for the project using appropria-
11 tions authorized for the project.

12 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
13 **FISCAL YEAR 2009 PROJECTS.**

14 (a) EXTENSION.—Notwithstanding section 2002 of
15 the Military Construction Authorization Act for Fiscal
16 Year 2009 (division B of Public Law 110–417; 122 Stat.
17 4658), the authorization set forth in the table in sub-
18 section (b), as provided in section 2201 of that Act (122
19 Stat. 4670) and extended by section 2206 of the Military
20 Construction Authorization Act for Fiscal Year 2012 (di-
21 vision B of Public Law 112–81; 125 Stat. 1668), shall
22 remain in effect until October 1, 2013, or the date of an
23 Act authorizing funds for military construction for fiscal
24 year 2014, whichever is later.

25 (b) TABLE.—The table referred to in subsection (a)
26 is as follows:

Navy: Extension of 2009 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendleton	Operations Access Points, Red Beach	\$11,970,000
	Marine Corps Air Station, Miramar ..	Emergency Response Station	\$6,530,000
District of Columbia ..	Washington Navy Yard	Child Development Center	\$9,340,000

1 **SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2010 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2010 (division B of Public Law 111–84; 123 Stat.
6 2627), the authorization set forth in the table in sub-
7 section (b), as provided in section 2201 of that Act (123
8 Stat. 2632), shall remain in effect until October 1, 2013,
9 or the date of an Act authorizing funds for military con-
10 struction for fiscal year 2014, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
12 is as follows:

Navy: Extension of 2010 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Mountain Warfare Training Center, Bridgeport	Mountain Warfare Training, Com- missary	\$6,830,000
Maine	Portsmouth Naval Shipyard	Gate 2 Security Im- provements	\$7,090,000
Djibouti	Camp Lemonier	Security Fencing	\$8,109,000
		Ammo Supply Point ..	\$21,689,000
		Interior Paved Roads	\$7,275,000

1 **TITLE XXIII—AIR FORCE**
 2 **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 authorizations of certain fiscal year 2010 projects.

3 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 4 **LAND ACQUISITION PROJECTS.**

5 (a) **INSIDE THE UNITED STATES.**—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2304(a) and available for military con-
 8 struction projects inside the United States as specified in
 9 the funding table in section 4601, the Secretary of the
 10 Air Force may acquire real property and carry out mili-
 11 tary construction projects for the installations or locations
 12 inside the United States, and in the amounts, set forth
 13 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Arkansas	Little Rock Air Force Base	\$30,178,000
Florida	Tyndall Air Force Base	\$14,750,000
Georgia	Fort Stewart	\$7,250,000
	Moody Air Force Base	\$8,500,000
New Mexico	Holloman Air Force Base	\$25,000,000
North Dakota	Minot Air Force Base	\$4,600,000
Texas	Joint Base San Antonio	\$18,000,000
Utah	Hill Air Force Base	\$13,530,000

14 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
 15 appropriated pursuant to the authorization of appropria-
 16 tions in section 2304(a) and available for military con-
 17 struction projects outside the United States as specified

1 in the funding table in section 4601, the Secretary of the
 2 Air Force may acquire real property and carry out mili-
 3 tary construction projects for the installations or locations
 4 outside the United States, and in the amounts, set forth
 5 in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule Air Base	\$24,500,000
Guam	Andersen Air Force Base	\$58,000,000
Italy	Aviano Air Base	\$9,400,000
Portugal	Lajes Field	\$2,000,000

6 **SEC. 2302. FAMILY HOUSING.**

7 Using amounts appropriated pursuant to the author-
 8 ization of appropriations in section 2304(a) and available
 9 for military family housing functions as specified in the
 10 funding table in section 4601, the Secretary of the Air
 11 Force may carry out architectural and engineering serv-
 12 ices and construction design activities with respect to the
 13 construction or improvement of family housing units in an
 14 amount not to exceed \$4,253,000.

15 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 16 **UNITS.**

17 Subject to section 2825 of title 10, United States
 18 Code, and using amounts appropriated pursuant to the
 19 authorization of appropriations in section 2304 and avail-
 20 able for military family housing functions as specified in
 21 the funding table in section 4601, the Secretary of the

1 Air Force may improve existing military family housing
2 units in an amount not to exceed \$79,571,000.

3 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
4 **FORCE.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
6 are hereby authorized to be appropriated for fiscal years
7 beginning after September 30, 2012, for military con-
8 struction, land acquisition, and military family housing
9 functions of the Department of the Air Force, as specified
10 in the funding table in section 4601.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under section 2301 of this Act
16 and the project described in paragraph (2) of this sub-
17 section may not exceed the sum of the following:

18 (1) The total amount authorized to be appro-
19 priated under subsection (a), as specified in the
20 funding table in section 4601.

21 (2) \$205,000,000 (the balance of the amount
22 authorized under section 2301(a) of the Military
23 Construction Authorization Act for Fiscal Year 2012
24 (division B of Public Law 112–81; 125 Stat. 1670)

1 for the United States Strategic Command Head-
 2 quarters at Offutt Air Force Base, Nebraska).

3 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 4 **FISCAL YEAR 2010 PROJECTS.**

5 (a) EXTENSION.—Notwithstanding section 2002 of
 6 the Military Construction Authorization Act for Fiscal
 7 Year 2010 (division B of Public Law 111–84; 123 Stat.
 8 2627), authorizations set forth in the table in subsection
 9 (b), as provided in section 2301 of that Act (123 Stat.
 10 2636), shall remain in effect until October 1, 2013, or the
 11 date of an Act authorizing funds for military construction
 12 for fiscal year 2014, whichever is later.

13 (b) TABLE.—The table referred to in subsection (a)
 14 is as follows:

Air Force: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Missouri	Whiteman Air Force Base	Land Acquisition North & South Boundary	\$5,500,000
Montana	Malmstrom Air Force Base	Weapons Storage Area (WSA), Phase 2	\$10,600,000

15 **TITLE XXIV—DEFENSE AGEN-**
 16 **CIES MILITARY CONSTRUC-**
 17 **TION**

Subtitle A—Defense Agency Authorizations

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

Sec. 2402. Authorized energy conservation projects.

Sec. 2403. Authorization of appropriations, Defense Agencies.

Sec. 2404. Modification of authority to carry out certain fiscal year 2012 projects.

Sec. 2405. Extension of authorization of certain fiscal year 2010 project.

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 1997 project.

1 **Subtitle A—Defense Agency**
 2 **Authorizations**

3 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2403(a) and available for military con-
 8 struction projects inside the United States as specified in
 9 the funding table in section 4601, the Secretary of De-
 10 fense may acquire real property and carry out military
 11 construction projects for the installations or locations in-
 12 side the United States, and in the amounts, set forth in
 13 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Arizona	Marana	\$6,477,000
	Yuma	\$1,300,000
California	Coronado	\$55,259,000
	DEF Fuel Support Point-San Diego	\$91,563,000
	Edwards Air Force Base	\$27,500,000
Colorado	Twentynine Palms	\$27,400,000
	Buckley Air Force Base	\$30,000,000
	Fort Carson	\$56,673,000
	Pikes Peak	\$3,600,000
Delaware	Dover Air Force Base	\$2,000,000
Florida	Eglin Air Force Base	\$41,695,000
	Hurlburt Field	\$16,000,000
	MacDill Air Force Base	\$34,409,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$24,289,000
Illinois	Great Lakes	\$28,700,000

Defense Agencies: Inside the United States—Continued

State	Installation or Location	Amount
	Scott Air Force Base	\$86,711,000
Indiana	Grissom Army Reserve Base	\$26,800,000
Kentucky	Fort Campbell	\$71,639,000
Louisiana	Barksdale Air Force Base	\$11,700,000
Maryland	Annapolis	\$66,500,000
	Bethesda Naval Hospital	\$69,200,000
	Fort Meade	\$128,600,000
Missouri	Fort Leonard Wood	\$18,100,000
New Mexico	Cannon Air Force Base	\$93,085,000
New York	Fort Drum	\$43,200,000
North Carolina	Camp Lejeune	\$80,064,000
	Fort Bragg	\$130,422,000
	Seymour Johnson Air Force Base	\$55,450,000
Pennsylvania	DEF Distribution Depot New Cumberland	\$17,400,000
South Carolina	Shaw Air Force Base	\$57,200,000
Texas	Red River Army Depot	\$16,715,000
Virginia	Joint Expeditionary Base Little Creek-Fort Story	\$11,132,000
	Norfolk	\$8,500,000
Washington	Fort Lewis	\$50,520,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403(a) and available for military con-
 4 struction projects outside the United States as specified
 5 in the funding table in section 4601, the Secretary of De-
 6 fense may acquire real property and carry out military
 7 construction projects for the installations or locations out-
 8 side the United States, and in the amounts, set forth in
 9 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	\$26,969,000
Germany	Stuttgart-Patch Barracks	\$2,413,000
	Vogelweh	\$61,415,000
	Weisbaden	\$52,178,000
Guam	Andersen Air Force Base	\$67,500,000
Guantanamo Bay, Cuba	Guantanamo Bay	\$40,200,000
Japan	Camp Zama	\$13,273,000
	Kadena Air Base	\$143,545,000
	Sasebo	\$35,733,000
	Zukeran	\$79,036,000
Korea	Kunsan Air Base	\$13,000,000
	Osan Air Base	\$77,292,000

Defense Agencies: Outside the United States—Continued

Country	Installation or Location	Amount
Romania	Deveselu	\$220,800,000
United Kingdom	Menwith Hill Station	\$50,283,000
	Royal Air Force Feltwell	\$30,811,000
	Royal Air Force Mildenhall	\$6,490,000

1 SEC. 2402. AUTHORIZED ENERGY CONSERVATION
2 PROJECTS.

3 (a) **INSIDE THE UNITED STATES.**—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2403(a) and available for energy conserva-
6 tion projects inside the United States as specified in the
7 funding table in section 4601, the Secretary of Defense
8 may carry out energy conservation projects under chapter
9 173 of title 10, United States Code, for the installations
10 or locations inside the United States, and in the amounts,
11 set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
Alaska	Clear	\$15,337,000
California	Fort Hunter Liggett	\$9,600,000
	Parks RFTA	\$9,256,000
Colorado	Aerospace Data Facility	\$3,310,000
	Fort Carson	\$4,000,000
Hawaii	Joint Base Pearl Harbor Hickam	\$6,610,000
Missouri	Whiteman	\$6,000,000
North Carolina	Fort Bragg	\$2,700,000
	MCB Camp Lejeune	\$5,701,000
New Jersey	Sea Girt	\$3,000,000
Pennsylvania	NSA Mechanicsburg	\$19,926,000
	Susquehanna	\$2,550,000
	Tobyhanna Army Depot	\$3,950,000
Tennessee	Arnold	\$3,606,000
Texas	Fort Bliss	\$5,700,000
	Fort Bliss	\$2,600,000
	Laughlin	\$4,800,000
Virginia	MCB Quantico	\$7,943,000
	Pentagon Reservation	\$2,360,000
	Pentagon Reservation	\$2,120,000
Various Locations	Various Locations	\$12,886,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403(a) and available for energy conserva-
 4 tion projects outside the United States as specified in the
 5 funding table in section 4601, the Secretary of Defense
 6 may carry out energy conservation projects under chapter
 7 173 of title 10, United States Code, for the installations
 8 or locations outside the United States, and in the
 9 amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Italy	Naval Air Station Sigonella	\$6,121,000
Spain	Naval Station Rota	\$2,671,000
Various Locations	Various Locations	\$7,253,000

10 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
 11 **FENSE AGENCIES.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 13 are hereby authorized to be appropriated for fiscal years
 14 beginning after September 30, 2012, for military con-
 15 struction, land acquisition, and military family housing
 16 functions of the Department of Defense (other than the
 17 military departments), as specified in the funding table
 18 in section 4601.

19 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 20 PROJECTS.—Notwithstanding the cost variations author-
 21 ized by section 2853 of title 10, United States Code, and
 22 any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2401 of this Act
2 and the projects described in paragraphs (2) through (9)
3 of this subsection may not exceed the sum of the following:

4 (1) The total amount authorized to be appro-
5 priated under subsection (a), as specified in the
6 funding table in section 4601.

7 (2) \$13,965,000 (the balance of the amount au-
8 thorized under section 2401(a) of the Military Con-
9 struction Authorization Act for Fiscal Year
10 2007(division B of Public Law 119–364; 120 Stat.
11 2457) for the Army Medical Research Institute of
12 Infectious Diseases Stage I at Fort Detrick, Mary-
13 land).

14 (3) \$103,600,000 (the balance of the amount
15 authorized under section 2401(a) for NSAW Recapi-
16 talize Building #1 at Fort Meade, Maryland).

17 (4) \$556,639,000 (the balance of the amount
18 authorized under section 2401(a) of the Military
19 Construction Authorization Act for Fiscal Year 2012
20 (division B of Public Law 112–81; 125 Stat. 1672),
21 as amended by section 2404(a) of this Act, for a
22 data center at Fort Meade, Maryland).

23 (5) \$512,969,000 (the balance of the amount
24 authorized under section 2401(a) of the Military
25 Construction Authorization Act for Fiscal Year 2010

1 (division B of Public Law 111–84; 123 Stat. 2640)
2 for a hospital at Fort Bliss, Texas).

3 (6) \$134,900,000 (the balance of the amount
4 authorized under section 2401(a) of the Military
5 Construction Authorization Act for Fiscal Year 2012
6 (division B of Public Law 112–81; 125 Stat. 1672)
7 for an Ambulatory Care Center Phase III at Joint
8 Base San Antonio, Texas).

9 (7) \$41,913,000 (the balance of the amount au-
10 thORIZED as a Military Construction, Defense-Wide
11 project by title X of the Supplemental Appropria-
12 tions Act, 2009 (Public Law 111–32; 123 Stat.
13 1888) for a data center at Camp Williams, Utah).

14 (8) \$792,408,000 (the balance of the amount
15 authorized under section 2401(b) of the Military
16 Construction Authorization Act for Fiscal Year 2012
17 (division B of Public Law 112–81; 125 Stat. 1673),
18 as amended by section 2404(b) of this Act, for a
19 hospital at the Rhine Ordnance Barracks, Ger-
20 many).

21 (9) \$100,800,000 (the balance of the amount
22 authorized under section 2401(b) for the Aegis
23 Ashore Missile Defense System Complex at
24 Deveselu, Romania).

1 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2012 PROJECTS.**

3 (a) MARYLAND.—The table in section 2401(a) of the
4 Military Construction Authorization Act for Fiscal Year
5 2012 (division B of Public Law 112–81; 125 Stat. 1672),
6 is amended in the item relating to Fort Meade, Maryland,
7 by striking “\$29,640,000” in the amount column and in-
8 serting “\$792,200,000”.

9 (b) GERMANY.—

10 (1) PROJECT AUTHORIZATION.—The table in
11 section 2401(b) of the Military Construction Author-
12 ization Act for Fiscal Year 2012 (division B of Pub-
13 lic Law 112–81; 125 Stat. 1673), is amended in the
14 item relating to Rhine Ordnance Barracks, Ger-
15 many, by striking “\$750,000,000” in the amount
16 column and inserting “\$990,000,000”.

17 (2) CERTIFICATION REQUIRED.—The Secretary
18 of Defense may not obligate additional funds made
19 available pursuant to the amendment made by para-
20 graph (1) until the Secretary certifies to the con-
21 gressional defense committees that both of the fol-
22 lowing directly support the proposed scope for the
23 hospital at the Rhine Ordnance Barracks, Germany:

24 (A) A sufficient enduring beneficiary popu-
25 lation.

1 (B) The fiscal year 2014 force structure
 2 assessment, incorporated in the budget sub-
 3 mitted by the President to Congress for fiscal
 4 year 2014.

5 **SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN**
 6 **FISCAL YEAR 2010 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2010 (division B of Public Law 111–84; 123 Stat.
 10 2627), the authorization set forth in the table in sub-
 11 section (b), as provided in section 2401(a) of that Act
 12 (123 Stat. 2640), shall remain in effect until October 1,
 13 2013, or the date of the enactment of an Act authorizing
 14 funds for military construction for fiscal year 2014, which-
 15 ever is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 is as follows:

Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Virginia	Pentagon Reservation	Pentagon electrical upgrade	\$19,272,000

1 **Subtitle B—Chemical**
2 **Demilitarization Authorizations**

3 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
4 **ICAL DEMILITARIZATION CONSTRUCTION,**
5 **DEFENSE-WIDE.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.— Funds
7 are hereby authorized to be appropriated for fiscal years
8 beginning after September 30, 2012, for military con-
9 struction and land acquisition for chemical demilitariza-
10 tion, as specified in the funding table in section 4601.

11 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
12 PROJECTS.—Notwithstanding the cost variations author-
13 ized by section 2853 of title 10, United States Code, and
14 any other cost variation authorized by law, the total cost
15 of all projects carried out under subsection (a) and the
16 project described in paragraph (2) of this subsection may
17 not exceed the sum of the following:

18 (1) The total amount authorized to be appro-
19 priated under subsection (a), as specified in the
20 funding table in section 4601.

21 (2) \$158,969,000 (the balance of the amount
22 authorized for ammunition demilitarization at Blue
23 Grass, Kentucky, by section 2401(a) of the Military
24 Construction Authorization Act for Fiscal Year 2000
25 (division B of Public Law 106–65; 113 Stat. 835),

1 as most recently amended by section 2412 of the
2 Military Construction Authorization Act for Fiscal
3 Year 2011 (division B Public Law 111–383; 124
4 Stat. 4450).

5 **SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT**
6 **CERTAIN FISCAL YEAR 1997 PROJECT.**

7 (a) MODIFICATIONS.—The table in section 2401(a)
8 of the Military Construction Authorization Act for Fiscal
9 Year 1997 (division B of Public Law 104–201; 110 Stat.
10 2775), as amended by section 2406 of the Military Con-
11 struction Authorization Act for Fiscal Year 2000 (division
12 B of Public Law 106–65; 113 Stat. 839), section 2407
13 of the Military Construction Authorization Act for Fiscal
14 Year 2003 (division B of Public Law 107–314; 116 Stat.
15 2699), and section 2413 of the Military Construction Au-
16 thorization Act for Fiscal Year 2009 (division B of Public
17 Law 110–417; 122 Stat. 4697), is further amended—

18 (1) under the agency heading relating to Chem-
19 ical Demilitarization Program, in the item relating
20 to Pueblo Army Depot, Colorado, by striking
21 “\$484,000,000” in the amount column and inserting
22 “\$520,000,000”; and

23 (2) by striking the amount identified as the
24 total in the amount column and inserting
25 “\$866,454,000”.

1 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)
2 of the Military Construction Authorization Act for Fiscal
3 Year 1997 (110 Stat. 2779), as so amended, is further
4 amended by striking “\$484,000,000” and inserting
5 “\$520,000,000”.

6 **TITLE XXV—NORTH ATLANTIC**
7 **TREATY ORGANIZATION SE-**
8 **CURITY INVESTMENT PRO-**
9 **GRAM**

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

Sec. 2502. Authorization of appropriations, NATO.

10 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
11 **ACQUISITION PROJECTS.**

12 The Secretary of Defense may make contributions for
13 the North Atlantic Treaty Organization Security Invest-
14 ment Program as provided in section 2806 of title 10,
15 United States Code, in an amount not to exceed the sum
16 of the amount authorized to be appropriated for this pur-
17 pose in section 2502 and the amount collected from the
18 North Atlantic Treaty Organization as a result of con-
19 struction previously financed by the United States.

20 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

21 Funds are hereby authorized to be appropriated for
22 fiscal years beginning after September 30, 2012, for con-
23 tributions by the Secretary of Defense under section 2806
24 of title 10, United States Code, for the share of the United

1 States of the cost of projects for the North Atlantic Treaty
2 Organization Security Investment Program authorized by
3 section 2501 as specified in the funding table in section
4 4601.

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

Subtitle A—Project Authorizations and Authorization of Appropriations

- 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 project.
- Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

- Sec. 2611. Modification of authority to carry out certain fiscal year 2010 projects.
- Sec. 2612. Modification of authority to carry out certain fiscal year 2011 projects.
- Sec. 2613. Extension of authorization of certain fiscal year 2009 project.
- Sec. 2614. Extension of authorization of certain fiscal year 2010 projects.

7 **Subtitle A—Project Authorizations**
8 **and Authorization of Appropria-**
9 **tions**

10 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
11 **STRUCTION AND LAND ACQUISITION**
12 **PROJECTS.**

13 (a) INSIDE THE UNITED STATES.—Using amounts
14 appropriated pursuant to the authorization of appropria-
15 tions in section 2606 and available for the National Guard
16 and Reserve as specified in the funding table in section

1 4601, the Secretary of the Army may acquire real prop-
 2 erty and carry out military construction projects for the
 3 Army National Guard locations inside the United States,
 4 and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	\$5,400,000
Arkansas	Searcy	\$6,800,000
California	Fort Irwin	\$25,000,000
Connecticut	Camp Hartell	\$32,000,000
Delaware	Bethany Beach	\$5,500,000
Florida	Camp Blanding	\$9,000,000
	Miramar	\$20,000,000
Hawaii	Kapolei	\$28,000,000
Idaho	Orchard Training Area	\$40,000,000
Indiana	South Bend	\$21,000,000
	Terra Haute	\$9,000,000
Iowa	Camp Dodge	\$3,000,000
Kansas	Topeka	\$9,500,000
Kentucky	Frankfort	\$32,000,000
Massachusetts	Camp Edwards	\$22,000,000
Minnesota	Camp Ripley	\$17,000,000
	Arden Hills	\$17,000,000
Missouri	Fort Leonard Wood	\$18,000,000
	Kansas City	\$1,900,000
	Monett	\$820,000
	Perryville	\$700,000
Montana	Miles City	\$11,000,000
New Jersey	Sea Girt	\$34,000,000
New York	Stormville	\$24,000,000
Ohio	Chillicothe	\$3,100,000
	Delaware	\$12,000,000
Oklahoma	Camp Gruber	\$25,000,000
Utah	Camp Williams	\$36,000,000
Washington	Fort Lewis	\$35,000,000
West Virginia	Logan	\$14,200,000
Wisconsin	Wausau	\$10,000,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2606 and available for the National Guard
 8 and Reserve as specified in the funding table in section
 9 4601, the Secretary of the Army may acquire real prop-
 10 erty and carry out military construction projects for the

- 1 Army National Guard locations outside the United States,
 2 and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	\$8,500,000
Puerto Rico	Camp Santiago	\$3,800,000
	Ceiba	\$2,200,000
	Guaynabo	\$15,000,000
	Gurabo	\$14,700,000

3 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
 4 **AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-
 6 ization of appropriations in section 2606 and available for
 7 the National Guard and Reserve as specified in the fund-
 8 ing table in section 4601, the Secretary of the Army may
 9 acquire real property and carry out military construction
 10 projects for the Army Reserve locations inside the United
 11 States, and in the amounts, set forth in the following
 12 table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	\$68,300,000
	Tustin	\$27,000,000
Illinois	Fort Sheridan	\$28,000,000
Maryland	Aberdeen Proving Ground	\$21,000,000
	Baltimore	\$10,000,000
Massachusetts	Devens Reserve Forces Training Area	\$8,500,000
Nevada	Las Vegas	\$21,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	\$7,400,000
Washington	Joint Base Lewis-McChord	\$40,000,000
Wisconsin	Fort McCoy	\$47,800,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 2 **CORPS RESERVE CONSTRUCTION AND LAND**
 3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2606 and available for
 6 the National Guard and Reserve as specified in the fund-
 7 ing table in section 4601, the Secretary of the Navy may
 8 acquire real property and carry out military construction
 9 projects for the Navy Reserve and Marine Corps Reserve
 10 locations inside the United States, and in the amounts,
 11 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Yuma	\$5,379,000
Iowa	Fort Des Moines	\$19,162,000
Louisiana	New Orleans	\$7,187,000
New York	Brooklyn	\$4,430,000
Texas	Fort Worth	\$11,256,000

12 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2606 and available for
 16 the National Guard and Reserve as specified in the fund-
 17 ing table in section 4601, the Secretary of the Air Force
 18 may acquire real property and carry out military construc-
 19 tion projects for the Air National Guard locations inside
 20 the United States, and in the amounts, set forth in the
 21 following table:

Air National Guard

State	Location	Amount
California	Fresno Yosemite International Airport Air National Guard	\$11,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$6,500,000
New Mexico	Kirtland Air Force Base	\$8,500,000
Wyoming	Cheyenne Municipal Airport	\$6,486,000

1 SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECT.

2
 3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606 and available for
 5 the National Guard and Reserve as specified in the fund-
 6 ing table in section 4601, the Secretary of the Air Force
 7 may acquire real property and carry out a military con-
 8 struction project for the Air Force Reserve location inside
 9 the United States, and in the amount, set forth in the
 10 following table:

Air Force Reserve

State	Location	Amount
New York	Niagara Falls International Airport ...	\$6,100,000

11 SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-
12 TIONAL GUARD AND RESERVE.

13 Funds are hereby authorized to be appropriated for
 14 fiscal years beginning after September 30, 2012, for the
 15 costs of acquisition, architectural and engineering services,
 16 and construction of facilities for the Guard and Reserve
 17 Forces, and for contributions therefor, under chapter
 18 1803 of title 10, United States Code (including the cost

1 of acquisition of land for those facilities), as specified in
2 the funding table in section 4601.

3 **Subtitle B—Other Matters**

4 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT**

5 **CERTAIN FISCAL YEAR 2010 PROJECTS.**

6 (a) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
7 **GUARD READINESS CENTER PROJECT, NORTH LAS**
8 **VEGAS, NEVADA.**—In the case of the authorization con-
9 tained in the table in section 2601 of the Military Con-
10 struction Authorization Act for Fiscal Year 2010 (division
11 B of Public Law 111–84; 123 Stat. 2648) for North Las
12 Vegas, Nevada, for construction of a Readiness Center,
13 the Secretary of the Army may construct up to 68,593
14 square feet of readiness center, 10,000 square feet of
15 unheated equipment storage area, and 25,000 square feet
16 of unheated vehicle storage, consistent with the Army’s
17 construction guidelines for readiness centers.

18 (b) **AUTHORITY TO CARRY OUT ARMY RESERVE**
19 **CENTER PROJECT, MIRAMAR, CALIFORNIA.**—In the case
20 of the authorization contained in the table in section 2602
21 of the Military Construction Authorization Act for Fiscal
22 Year 2010 (division B of Public Law 111–84; 123 Stat.
23 2649) for Camp Pendleton, California, for construction of
24 an Army Reserve Center, the Secretary of the Army may

1 construct an Army Reserve Center in the vicinity of the
2 Marine Corps Air Station, Miramar, California.

3 (c) AUTHORITY TO CARRY OUT ARMY RESERVE CEN-
4 TER PROJECT, BRIDGEPORT, CONNECTICUT.—In the case
5 of the authorization contained in the table in section 2602
6 of the Military Construction Authorization Act for Fiscal
7 Year 2010 (division B of Public Law 111–84; 123 Stat.
8 2649) for Bridgeport, Connecticut, for construction of an
9 Army Reserve Center/Land, the Secretary of the Army
10 may construct an Army Reserve Center and acquire land
11 in the vicinity of Bridgeport, Connecticut.

12 **SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT**
13 **CERTAIN FISCAL YEAR 2011 PROJECTS.**

14 (a) AUTHORITY TO CARRY OUT ARMY RESERVE
15 CENTER PROJECT, FORT STORY, VIRGINIA.—In the case
16 of the authorization contained in the table in section 2602
17 of the Military Construction Authorization Act for Fiscal
18 Year 2011 (division B of Public Law 111–383; 124 Stat.
19 4453) for Fort Story, Virginia, for construction of an
20 Army Reserve Center, the Secretary of the Army may con-
21 struct an Army Reserve Center in the vicinity of Fort
22 Story, Virginia.

23 (b) AUTHORITY TO CARRY OUT ARMY NATIONAL
24 GUARD PROJECT, FORT CHAFFEE, ARKANSAS.—In the
25 case of the authorization contained in the table in section

1 2601 of the Military Construction Authorization Act for
2 Fiscal Year 2011 (division B of Public Law 111–383; 124
3 Stat. 4451) for Fort Chaffee, Arkansas, for construction
4 of a Live Fire Shoot House, the Secretary of the Army
5 may construct up to 5,869 square feet of Live Fire Shoot
6 House.

7 (c) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
8 **GUARD PROJECT, WINDSOR LOCKS, CONNECTICUT.**—In
9 the case of the authorization contained in the table in sec-
10 tion 2601 of the Military Construction Authorization Act
11 for Fiscal Year 2011 (division B of Public Law 111–383;
12 124 Stat. 4451) for Windsor Locks, Connecticut, for con-
13 struction of a Readiness Center, the Secretary of the Army
14 may construct up to 119,510 square feet of a Readiness
15 Center.

16 (d) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
17 **GUARD PROJECT, KALAELOA, HAWAII.**—In the case of
18 the authorization contained in the table in section 2601
19 of the Military Construction Authorization Act for Fiscal
20 Year 2011 (division B of Public Law 111–383; 124 Stat.
21 4451) for Kalaeloa, Hawaii, for construction of a Com-
22 bined Support Maintenance Shop, the Secretary of the
23 Army may construct up to 137,548 square feet of a Com-
24 bined Support Maintenance Shop.

1 (e) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
2 **GUARD PROJECT, WICHITA, KANSAS.**—In the case of the
3 authorization contained in the table in section 2601 of the
4 Military Construction Authorization Act for Fiscal Year
5 2011 (division B of Public Law 111–383; 124 Stat. 4451)
6 for Wichita, Kansas, for construction of a Field Mainte-
7 nance Shop, the Secretary of the Army may construct up
8 to 62,102 square feet of a Field Maintenance Shop.

9 (f) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
10 **GUARD PROJECT, MINDEN, LOUISIANA.**—In the case of
11 the authorization contained in the table in section 2601
12 of the Military Construction Authorization Act for Fiscal
13 Year 2011 (division B of Public Law 111–383; 124 Stat.
14 4451) for Minden, Louisiana, for construction of a Readi-
15 ness Center, the Secretary of the Army may construct up
16 to 90,944 square feet of a Readiness Center.

17 (g) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
18 **GUARD PROJECT, SAINT INIGOES, MARYLAND.**—In the
19 case of the authorization contained in the table in section
20 2601 of the Military Construction Authorization Act for
21 Fiscal Year 2011 (division B of Public Law 111–383; 124
22 Stat. 4451) for Saint Inigoes, Maryland, for construction
23 of a Tactical Unmanned Aircraft System Facility, the Sec-
24 retary of the Army may construct up to 10,298 square
25 feet of a Tactical Unmanned Aircraft System Facility.

1 (h) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
2 **GUARD PROJECT, CAMP GRAFTON, NORTH DAKOTA.**—In
3 the case of the authorization contained in the table in sec-
4 tion 2601 of the Military Construction Authorization Act
5 for Fiscal Year 2011 (division B of Public Law 111–383;
6 124 Stat. 4451) for Camp Grafton, North Dakota, for
7 construction of a Readiness Center, the Secretary of the
8 Army may construct up to 68,671 square feet of a Readiness
9 Center.

10 (i) **AUTHORITY TO CARRY OUT ARMY NATIONAL**
11 **GUARD PROJECT, WATERTOWN, SOUTH DAKOTA.**—In the
12 case of the authorization contained in the table in section
13 2601 of the Military Construction Authorization Act for
14 Fiscal Year 2011 (division B of Public Law 111–383; 124
15 Stat. 4451) for Watertown, South Dakota, for construc-
16 tion of a Readiness Center, the Secretary of the Army may
17 construct up to 97,865 square feet of a Readiness Center.

18 (j) **AUTHORITY TO CARRY OUT AIR NATIONAL**
19 **GUARD PROJECT, NASHVILLE, TENNESSEE.**—In the case
20 of the authorization contained in the table in section 2604
21 of the Military Construction Authorization Act for Fiscal
22 Year 2011 (division B of Public Law 111–383; 124 Stat.
23 4453) for Nashville International Airport, Tennessee, for
24 renovation of an Intelligence Squadron Facility, the Sec-
25 retary of the Air Force may convert up to 4,023 square

1 meters of existing facilities to bed down Intelligence Group
 2 and Remotely Piloted Aircraft Remote Split Operations
 3 Group missions, consistent with the Air National Guard’s
 4 construction guidelines for these missions.

5 **SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN**
 6 **FISCAL YEAR 2009 PROJECT.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2009 (division B of Public Law 110–417; 122 Stat.
 10 4658), the authorization set forth in the table in sub-
 11 section (b), as provided in section 2604 of that Act (122
 12 Stat. 4706), shall remain in effect until October 1, 2013,
 13 or the date of the enactment of an Act authorizing funds
 14 for military construction for fiscal year 2014, whichever
 15 is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 is as follows:

Air National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport	Relocate Munitions Complex	\$3,400,000

18 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**
 19 **FISCAL YEAR 2010 PROJECTS.**

20 (a) EXTENSION.—Notwithstanding section 2002 of
 21 the Military Construction Authorization Act for Fiscal
 22 Year 2010 (division B of Public Law 111–84; 123 Stat.

1 2627), the authorizations set forth in the tables in sub-
 2 section (b), as provided in sections 2602 and 2604 of that
 3 Act (123 Stat. 2649, 2651), shall remain in effect until
 4 October 1, 2013, or the date of the enactment of an Act
 5 authorizing funds for military construction for fiscal year
 6 2014, whichever is later.

7 (b) TABLE.—The tables referred to in subsection (a)
 8 are as follows:

Army Reserve: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton	Army Reserve Center	\$19,500,000
Connecticut	Bridgeport	Army Reserve Center/Land ...	\$18,500,000

Air National Guard: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport	Relocate Base Entrance	\$6,500,000

9 **TITLE XXVII—BASE REALIGN-**
 10 **MENT AND CLOSURE ACTIVI-**
 11 **TIES**

Subtitle A—Authorization of Appropriations

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.

Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Other Matters

Sec. 2711. Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds.

Sec. 2712. Revised base closure and realignment restrictions and Comptroller General assessment of Department of Defense compliance with codified base closure and realignment restrictions.

1 **Subtitle A—Authorization of**
2 **Appropriations**

3 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
5 **TIES FUNDED THROUGH DEPARTMENT OF**
6 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

7 Funds are hereby authorized to be appropriated for
8 fiscal years beginning after September 30, 2012, for base
9 realignment and closure activities, including real property
10 acquisition and military construction projects, as author-
11 ized by the Defense Base Closure and Realignment Act
12 of 1990 (part A of title XXIX of Public Law 101–510;
13 10 U.S.C. 2687 note) and funded through the Department
14 of Defense Base Closure Account 1990 established by sec-
15 tion 2906 of such Act as specified in the funding table
16 in section 4601.

17 **SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR**
18 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
19 **TIES FUNDED THROUGH DEPARTMENT OF**
20 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

21 Funds are hereby authorized to be appropriated for
22 fiscal years beginning after September 30, 2012, for base
23 realignment and closure activities, including real property
24 acquisition and military construction projects, as author-
25 ized by the Defense Base Closure and Realignment Act

1 of 1990 (part A of title XXIX of Public Law 101–510;
2 10 U.S.C. 2687 note) and funded through the Department
3 of Defense Base Closure Account 2005 established by sec-
4 tion 2906A of such Act as specified in the funding table
5 in section 4601.

6 **Subtitle B—Other Matters**

7 **SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE** 8 **BASE CLOSURE ACCOUNTS AND AUTHORIZED** 9 **USES OF BASE CLOSURE ACCOUNT FUNDS.**

10 (a) ESTABLISHMENT OF SINGLE DEPARTMENT OF
11 DEFENSE BASE CLOSURE ACCOUNT; USE OF FUNDS.—
12 The Defense Base Closure and Realignment Act of 1990
13 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
14 2687 note) is amended by striking sections 2906 and
15 2906A and inserting the following new section 2906:

16 **“SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
17 **COUNT.**

18 “(a) ESTABLISHMENT.—There is hereby established
19 on the books of the Treasury an account to be known as
20 the ‘Department of Defense Base Closure Account’ which
21 shall be administered by the Secretary as a single account.

22 “(b) CREDITS TO ACCOUNT.—There shall be credited
23 to the Account the following:

24 “(1) Funds authorized for and appropriated to
25 the Account.

1 “(2) Funds transferred to the Account pursu-
2 ant to section 2711(b) of the Military Construction
3 Authorization Act for Fiscal Year 2013.

4 “(3) Funds that the Secretary may, subject to
5 approval in an appropriation Act, transfer to the Ac-
6 count from funds appropriated to the Department of
7 Defense for any purpose, except that funds may be
8 transferred under the authority of this paragraph
9 only after the date on which the Secretary transmits
10 written notice of, and justification for, such transfer
11 to the congressional defense committees.

12 “(4) Proceeds received from the lease, transfer,
13 or disposal of any property at a military installation
14 closed or realigned under this part or the 1988
15 BRAC law.

16 “(c) USE OF ACCOUNT.—

17 “(1) AUTHORIZED PURPOSES.—The Secretary
18 may use the funds in the Account only for the fol-
19 lowing purposes:

20 “(A) To carry out the Defense Environ-
21 mental Restoration Program under section
22 2701 of title 10, United States Code, and other
23 environmental restoration and mitigation activi-
24 ties at military installations closed or realigned
25 under this part or the 1988 BRAC law.

1 “(B) To cover property management, dis-
2 posal, and caretaker costs incurred at military
3 installations closed or realigned under this part
4 or the 1988 BRAC law.

5 “(C) To cover costs associated with super-
6 vision, inspection, overhead, engineering, and
7 design of military construction projects under-
8 taken under this part or the 1988 BRAC law
9 before September 30, 2013, and subsequent
10 claims, if any, related to such activities.

11 “(D) To record, adjust, and liquidate obli-
12 gations properly chargeable to the following ac-
13 counts:

14 “(i) The Department of Defense Base
15 Closure Account 2005 established by sec-
16 tion 2906A of this part, as in effect on
17 September 30, 2013.

18 “(ii) The Department of Defense Base
19 Closure Account 1990 established by this
20 section, as in effect on September 30,
21 2013.

22 “(iii) The Department of Defense
23 Base Closure Account established by sec-
24 tion 207 of the 1988 BRAC law, as in ef-
25 fect on September 30, 2013.

1 “(2) SOLE SOURCE OF FUNDS.—The Account
2 shall be the sole source of Federal funds for the ac-
3 tivities specified in paragraph (1) at a military in-
4 stallation closed or realigned under this part or the
5 1988 BRAC law.

6 “(3) PROHIBITION ON USE OF ACCOUNT FOR
7 NEW MILITARY CONSTRUCTION.—Except as provided
8 in paragraph (1), funds in the Account may not be
9 used, directly or by transfer to another appropria-
10 tions account, to carry out a military construction
11 project, including a minor military construction
12 project, under section 2905(a) or any other provision
13 of law at a military installation closed or realigned
14 under this part or the 1988 BRAC law.

15 “(d) DISPOSAL OR TRANSFER OF COMMISSARY
16 STORES AND PROPERTY PURCHASED WITH NON-
17 APPROPRIATED FUNDS.—

18 “(1) DEPOSIT OF PROCEEDS IN RESERVE AC-
19 COUNT.—If any real property or facility acquired,
20 constructed, or improved (in whole or in part) with
21 commissary store funds or nonappropriated funds is
22 transferred or disposed of in connection with the clo-
23 sure or realignment of a military installation under
24 this part, a portion of the proceeds of the transfer
25 or other disposal of property on that installation

1 shall be deposited in the reserve account established
2 under section 204(b)(7)(C) of the 1988 BRAC law.

3 “(2) The amount so deposited under paragraph
4 (1) shall be equal to the depreciated value of the in-
5 vestment made with such funds in the acquisition,
6 construction, or improvement of that particular real
7 property or facility. The depreciated value of the in-
8 vestment shall be computed in accordance with regu-
9 lations prescribed by the Secretary.

10 “(3) USE OF RESERVE FUNDS.—Subject to the
11 limitation contained in section 204(b)(7)(C)(iii) of
12 the 1988 BRAC law, amounts in the reserve account
13 are hereby made available to the Secretary, without
14 appropriation and until expended, for the purpose of
15 acquiring, constructing, and improving—

16 “(A) commissary stores; and

17 “(B) real property and facilities for non-
18 appropriated fund instrumentalities.

19 “(e) CONSOLIDATED BUDGET JUSTIFICATION DIS-
20 PLAY FOR ACCOUNT.—

21 “(1) CONSOLIDATED BUDGET INFORMATION
22 REQUIRED.—The Secretary shall establish a consoli-
23 dated budget justification display in support of the
24 Account that for each fiscal year—

1 “(A) details the amount and nature of
2 credits to, and expenditures from, the Account
3 during the preceding fiscal year;

4 “(B) separately details the caretaker and
5 environmental remediation costs associated with
6 each military installation for which a budget re-
7 quest is made;

8 “(C) specifies the transfers into the Ac-
9 count and the purposes for which these trans-
10 ferred funds will be further obligated, to include
11 caretaker and environment remediation costs
12 associated with each military installation;

13 “(D) specifies the closure or realignment
14 recommendation, and the base closure round in
15 which the recommendation was made, that pre-
16 cipitated the inclusion of the military installa-
17 tion; and

18 “(E) details any intra-budget activity
19 transfers within the Account that exceeded
20 \$1,000,000 during the preceding fiscal year or
21 that are proposed for the next fiscal year and
22 will exceed \$1,000,000.

23 “(2) SUBMISSION.—The Secretary shall include
24 the information required by paragraph (1) in the
25 materials that the Secretary submits to Congress in

1 support of the budget for a fiscal year submitted by
2 the President pursuant to section 1105 of title 31,
3 United States Code.

4 “(f) CLOSURE OF ACCOUNT; TREATMENT OF RE-
5 MAINING FUNDS.—

6 “(1) CLOSURE.—The Account shall be closed at
7 the time and in the manner provided for appropria-
8 tion accounts under section 1555 of title 31, United
9 States Code, except that unobligated funds which re-
10 main in the Account upon closure shall be held by
11 the Secretary of the Treasury until transferred by
12 law after the congressional defense committees re-
13 ceive the final report transmitted under paragraph
14 (2).

15 “(2) FINAL REPORT.—No later than 60 days
16 after the closure of the Account under paragraph
17 (1), the Secretary shall transmit to the congressional
18 defense committees a report containing an account-
19 ing of—

20 “(A) all the funds credited to and ex-
21 pended from the Account or otherwise expended
22 under this part or the 1988 BRAC law; and

23 “(B) any funds remaining in the Account.

24 “(g) DEFINITIONS.—In this section:

1 “(1) The term ‘commissary store funds’ means
2 funds received from the adjustment of, or surcharge
3 on, selling prices at commissary stores fixed under
4 section 2685 of title 10, United States Code.

5 “(2) The term ‘nonappropriated funds’ means
6 funds received from a nonappropriated fund instru-
7 mentality.

8 “(3) The term ‘nonappropriated fund instru-
9 mentality’ means an instrumentality of the United
10 States under the jurisdiction of the Armed Forces
11 (including the Army and Air Force Exchange Serv-
12 ice, the Navy Resale and Services Support Office,
13 and the Marine Corps exchanges) which is conducted
14 for the comfort, pleasure, contentment, or physical
15 or mental improvement of members of the Armed
16 Forces.

17 “(4) The term ‘1988 BRAC law’ means title II
18 of the Defense Authorization Amendments and Base
19 Closure and Realignment Act (Public Law 100–526;
20 10 U.S.C. 2687 note).”.

21 (b) CLOSURE OF EXISTING CURRENT ACCOUNTS;
22 TRANSFER OF FUNDS.—

23 (1) CLOSURE.—Subject to paragraph (2), the
24 Secretary of the Treasury shall close, pursuant to

1 section 1555 of title 31, United States Code, the fol-
2 lowing accounts on the books of the Treasury:

3 (A) The Department of Defense Base Clo-
4 sure Account 2005 established by section
5 2906A of the Defense Base Closure and Re-
6 alignment Act of 1990 (part A of title XXIX of
7 Public Law 101–510; 10 U.S.C. 2687 note), as
8 in effect on the effective date of this section.

9 (B) The Department of Defense Base Clo-
10 sure Account 1990 established by section 2906
11 of the Defense Base Closure and Realignment
12 Act of 1990 (part A of title XXIX of Public
13 Law 101–510; 10 U.S.C. 2687 note), as in ef-
14 fect on the effective date of this section.

15 (C) The Department of Defense Base Clo-
16 sure Account established by section 207 of the
17 Defense Authorization Amendments and Base
18 Closure and Realignment Act (Public Law 100–
19 526; 10 U.S.C. 2687 note), as in effect on the
20 effective date of this section.

21 (2) TRANSFER OF FUNDS.—All amounts re-
22 maining in the three accounts specified in paragraph
23 (1) as of the effective date of this section, shall be
24 transferred, effective on that date, to the Depart-
25 ment of Defense Base Closure Account established

1 by section 2906 of the Defense Base Closure and
2 Realignment Act of 1990, as added by subsection
3 (a).

4 (3) CROSS REFERENCES.—Except as provided
5 in this subsection or the context requires otherwise,
6 any reference in a law, regulation, document, paper,
7 or other record of the United States to an account
8 specified in paragraph (1) shall be deemed to be a
9 reference to the Department of Defense Base Clo-
10 sure Account established by section 2906 of the De-
11 fense Base Closure and Realignment Act of 1990, as
12 added by subsection (a).

13 (c) CONFORMING AMENDMENTS.—

14 (1) REPEAL OF FORMER ACCOUNT.—Section
15 207 of the Defense Authorization Amendments and
16 Base Closure and Realignment Act (Public Law
17 100–526; 10 U.S.C. 2687 note) is repealed.

18 (2) REPEAL OF OBSOLETE REPORTING RE-
19 QUIREMENT.—Section 2907 of the Defense Base
20 Closure and Realignment Act of 1990 (part A of
21 title XXIX of Public Law 101–510; 10 U.S.C. 2687
22 note) is repealed.

23 (3) DEFINITION.—

24 (A) 1990 LAW.—Section 2910(1) of the
25 Defense Base Closure and Realignment Act of

1 1990 (part A of title XXIX of Public Law 101–
2 510; 10 U.S.C. 2687 note) is amended by strik-
3 ing “1990 established by section 2906(a)(1)”
4 and inserting “established by section 2906(a)”.

5 (B) 1988 LAW.—The Defense Authoriza-
6 tion Amendments and Base Closure and Re-
7 alignment Act (Public Law 100–526; 10 U.S.C.
8 2687 note) is amended—

9 (i) in section 204(b)(7)(A), by striking
10 “established by section 207(a)(1)”; and

11 (ii) in section 209(1), by striking “es-
12 tablished by section 207(a)(1)” and insert-
13 ing “established by section 2906(a) of the
14 Defense Base Closure and Realignment
15 Act of 1990 (part A of title XXIX of Pub-
16 lic Law 101–510; 10 U.S.C. 2687 note)”.

17 (4) ENVIRONMENTAL RESTORATION.—Chapter
18 160 of title 10, United States Code, is amended—

19 (A) in section 2701(d)(2), by striking “De-
20 partment of Defense Base Closure Account
21 1990 or the Department of Defense Base Clo-
22 sure Account 2005 established under sections
23 2906 and 2906A” and inserting “Department
24 of Defense Base Closure Account established by
25 section 2906”;

1 (B) in section 2703(h)—

2 (i) by striking “the applicable Depart-
3 ment of Defense base closure account” and
4 inserting “the Department of Defense
5 Base Closure Account established under
6 section 2906 of the Defense Base Closure
7 and Realignment Act of 1990 (part A of
8 title XXIX of Public Law 101–510; 10
9 U.S.C. 2687 note)”; and

10 (ii) by striking “the applicable base
11 closure account” and inserting “such base
12 closure account”; and

13 (C) in section 2705(g)(2), by striking
14 “Closure Account 1990” and inserting “Closure
15 Account”.

16 (5) DEPARTMENT OF DEFENSE HOUSING
17 FUNDS.—Section 2883 of such title is amended—

18 (A) in subsection (c)—

19 (i) by striking subparagraph (G) of
20 paragraph (1); and

21 (ii) by striking subparagraph (G) of
22 paragraph (2); and

23 (B) in subsection (f)—

24 (i) in the first sentence, by striking
25 “or (G)” both places it appears; and

1 (ii) by striking the second sentence.

2 (d) EFFECTIVE DATE.—This section and the amend-
3 ments made by this section shall take effect on the later
4 of—

5 (1) October 1, 2013; and

6 (2) the date of the enactment of an Act author-
7 izing funds for military construction for fiscal year
8 2014.

9 **SEC. 2712. REVISED BASE CLOSURE AND REALIGNMENT RE-**
10 **STRICTIONS AND COMPTROLLER GENERAL**
11 **ASSESSMENT OF DEPARTMENT OF DEFENSE**
12 **COMPLIANCE WITH CODIFIED BASE CLOSURE**
13 **AND REALIGNMENT RESTRICTIONS.**

14 (a) CIVILIAN PERSONNEL REDUCTIONS BELOW PRE-
15 SCRIBED THRESHOLDS.—Section 2687 of title 10, United
16 States Code, is amended—

17 (1) by redesignating subsection (e) as sub-
18 section (g) and moving such subsection to the end
19 of the section;

20 (2) by redesignating subsections (c) and (d) as
21 subsections (d) and (e), respectively; and

22 (3) by inserting after subsection (b) the fol-
23 lowing new subsection (c):

24 “(c) No action described in subsection (a) with re-
25 spect to the closure of, or realignment with respect to, any

1 military installation referred to in such subsection may be
2 taken within five years after the date on which a decision
3 is made to reduce the civilian personnel thresholds below
4 the levels prescribed in such subsection.”.

5 (b) **COMPTROLLER GENERAL ASSESSMENT.**—Not
6 later than 180 days after the date of the enactment of
7 this Act, the Comptroller General of the United States
8 shall submit to the congressional defense committees a re-
9 port reviewing the process and criteria used by the De-
10 partment of Defense to make decisions relating to closures
11 and realignments at military installations, including clo-
12 sures and realignments occurring both above and below
13 the threshold levels specified in section 2687 of title 10,
14 United States Code.

15 (c) **CONFORMING AMENDMENTS RELATING TO RE-**
16 **DESIGNATION OF DEFINITIONS SUBSECTION.**—Title 10,
17 United States Code, is amended as follows:

18 (1) Section 2391(d)(1) is amended by striking
19 “section 2687(e)” and inserting “section 2687”.

20 (2) Section 2667(i)(3) is amended by striking
21 “section 2687(e)(1)” and inserting “section 2687”.

22 **TITLE XXVIII—MILITARY CON-**
23 **STRUCTION GENERAL PROVI-**
24 **SIONS**

Subtitle A—Military Construction Program and Military Family Housing
Changes

- Sec. 2801. Authorized cost and scope variations.
- Sec. 2802. Preparation of master plans for major military installations.
- Sec. 2803. Oversight and accountability for military housing privatization projects and related annual reporting requirements.
- Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
- Sec. 2805. Comptroller General report on in-kind payments.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.
- Sec. 2812. Identification requirements for access to military installations.
- Sec. 2813. Report on property disposals at certain closed military installations and additional authorities to assist local communities in the vicinity of such installations.
- Sec. 2814. Report on reorganization of Air Force Materiel Command organizations.

Subtitle C—Energy Security

- Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.
- Sec. 2822. Availability and use of Department of Defense energy cost savings to promote energy security.
- Sec. 2823. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification.
- Sec. 2824. Guidance on financing for renewable energy projects.
- Sec. 2825. Energy savings performance contract report.

Subtitle D—Provisions Related to Asia-Pacific Military Realignment

- Sec. 2831. Certification of military readiness need for a Live Fire Training Range Complex on Guam as condition on establishment of range complex.
- Sec. 2832. Realignment of Marine Corps forces in Asia-Pacific region.

Subtitle E—Land Conveyances

- Sec. 2841. Modification of authorized consideration, Broadway Complex of the Department of the Navy, San Diego, California.
- Sec. 2842. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.
- Sec. 2843. Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio.
- Sec. 2844. Land conveyance, Castner Range, Fort Bliss, Texas.
- Sec. 2845. Modification of land conveyance, Fort Hood, Texas.
- Sec. 2846. Land conveyance, Local Training Area for Browning Army Reserve Center, Utah.

Subtitle F—Other Matters

- Sec. 2851. Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations.
- Sec. 2852. Acceptance of gifts and services to support military museum programs and use of cooperative agreements with nonprofit entities for military museum and military educational institution programs.
- Sec. 2853. Additional exemptions from certain requirements applicable to funding for data servers and centers.
- Sec. 2854. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
- Sec. 2855. Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard.
- Sec. 2856. Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California.
- Sec. 2857. Oversight and maintenance of closed base cemeteries overseas containing the remains of members of the Armed Forces or citizens of the United States.
- Sec. 2858. Report on establishment of joint Armed Forces historical storage and preservation facility.
- Sec. 2859. Establishment of commemorative work to Gold Star Mothers.
- Sec. 2860. Establishment of commemorative work to slaves and free Black persons who served in American Revolution.

1 **Subtitle A—Military Construction**
2 **Program and Military Family**
3 **Housing Changes**

4 **SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.**

5 Section 2853 of title 10, United States Code, is
6 amended—

7 (1) in subsection (a), by striking “was approved
8 originally” and inserting “was authorized”;

9 (2) in subsection (b)—

10 (A) in paragraph (1), by adding at the end
11 the following: “Any reduction in scope of work
12 for a military construction project shall not re-
13 sult in a facility or item of infrastructure that
14 is not complete and useable or does not fully

1 meet the mission requirement contained in the
2 justification data provided to Congress as part
3 of the request for authorization of the project,
4 construction, improvement, or acquisition.”; and

5 (B) by adding at the end the following new
6 paragraph:

7 “(3) In this subsection, the term ‘scope of work’ re-
8 fers to the function, size, or quantity of a facility or item
9 of complete and useable infrastructure contained in the
10 justification data provided to Congress as part of the re-
11 quest for authorization of the project, construction, im-
12 provement, or acquisition.”;

13 (3) in subsection (c)(1)(A), by striking “and the
14 reasons therefor, including a description” and insert-
15 ing “, the reasons therefor, a certification that the
16 mission requirement identified in the justification
17 data provided to Congress can be still be met with
18 the reduced scope, and a description”; and

19 (4) by adding at the end the following new sub-
20 section:

21 “(e) Notwithstanding the authority under subsections
22 (a) through (d), the Secretary concerned shall ensure com-
23 pliance of contracts for military construction projects and
24 for the construction, improvement, and acquisition of mili-

1 tary family housing projects with section 1341 of title 31
2 (commonly referred to as the ‘Anti-Deficiency Act’).”.

3 **SEC. 2802. PREPARATION OF MASTER PLANS FOR MAJOR**
4 **MILITARY INSTALLATIONS.**

5 (a) **MILITARY INSTALLATION MASTER PLANS.**—Sub-
6 chapter III of chapter 169 of title 10, United States Code,
7 is amended by inserting after section 2863 the following
8 new section:

9 **“§ 2864. Master plans for major military installations**

10 “(a) **PLANS REQUIRED.**—At a time interval pre-
11 scribed by the Secretary concerned (but not less frequently
12 than once every 10 years), the commander of each major
13 military installation under the jurisdiction of the Secretary
14 shall ensure that an installation master plan is developed
15 to address environmental planning, sustainable design and
16 development, sustainable range planning, real property
17 master planning, and transportation planning.

18 “(b) **TRANSPORTATION COMPONENT.**—The transpor-
19 tation component of the master plan for a major military
20 installation shall be developed and updated in consultation
21 with the metropolitan planning organization designated
22 for the metropolitan planning area in which the military
23 installation is located.

24 “(c) **DEFINITIONS.**—In this section:

1 “(f) FINANCIAL INTEGRITY AND ACCOUNTABILITY
2 MEASURES.—(1) The regulations required by subsection
3 (a) shall address the following requirements for each mili-
4 tary housing privatization project upon the completion of
5 the construction or renovation of the housing units:

6 “(A) The financial health and performance of
7 the privatization project, including the debt-coverage
8 ratio of the project and occupancy rates for the
9 housing units.

10 “(B) An assessment of the backlog of mainte-
11 nance and repair of the housing units.

12 “(2) If the debt service coverage for a military hous-
13 ing privatization project falls below 1.0 or the occupancy
14 rates for the housing units of the project are below 75
15 percent for more than one year, the Secretary concerned
16 shall require the development of a plan to address the fi-
17 nancial risk of the project.”.

18 (2) CONFORMING AMENDMENT.—Subsection (a)
19 of such section is amended in the matter preceding
20 paragraph (1) by inserting before the period at the
21 end of the first sentence the following: “during the
22 course of the construction or renovation of the hous-
23 ing units”.

1 (b) ANNUAL REPORTING REQUIREMENTS.—Section
2 2884 of such title is amended by striking subsection (b)
3 and inserting the following new subsections:

4 “(b) ANNUAL REPORTS TO ACCOMPANY BUDGET
5 MATERIALS.—The Secretary of Defense shall include each
6 year in the materials that the Secretary submits to Con-
7 gress in support of the budget submitted by the President
8 pursuant to section 1105 of title 31 the following:

9 “(1) A separate report on the expenditures and
10 receipts during the preceding fiscal year covering
11 each of the Funds established under section 2883 of
12 this title, including a description of the specific con-
13 struction, acquisition, or improvement projects from
14 which funds were transferred and the privatization
15 projects or contracts to which those funds were
16 transferred. Each report shall also include, for each
17 military department or defense agency, a description
18 of all funds to be transferred to such Funds for the
19 current fiscal year and the next fiscal year.

20 “(2) A report setting forth, by armed force, the
21 following:

22 “(A) An estimate of the amounts of basic
23 allowance for housing under section 403 of title
24 37 that will be paid, during the current fiscal
25 year and the fiscal year for which the budget is

1 submitted, to members of the armed forces liv-
2 ing in housing provided under the authorities in
3 this subchapter.

4 “(B) The number of units of military fam-
5 ily housing and military unaccompanied housing
6 upon which the estimate under subparagraph
7 (A) for the current fiscal year and the next fis-
8 cal year is based.

9 “(3) A description of the plans for housing pri-
10 vatization activities to be carried out under this sub-
11 chapter—

12 “(A) during the fiscal year for which the
13 budget is submitted; and

14 “(B) during the period covered by the
15 then-current future-years defense plan under
16 section 221 of this title.

17 “(4) A report identifying each family housing
18 unit acquired or constructed under this subchapter
19 that is used, or intended to be used, as quarters for
20 a general officer or flag officer and for which the
21 total operation, maintenance, and repair costs for
22 the unit exceeded \$50,000. For each housing unit so
23 identified, the report shall also include the total of
24 such operation, maintenance, and repair costs.

1 “(c) ANNUAL REPORT ON PRIVATIZATION
2 PROJECTS.—The Secretary of Defense shall submit to the
3 congressional defense committees a semi-annual report
4 containing an evaluation of the status of oversight and ac-
5 countability measures under section 2885 of this title for
6 military housing privatization projects. To the extent each
7 Secretary concerned has the right to attain the informa-
8 tion described in this subsection, each report shall include,
9 at a minimum, the following:

10 “(1) An assessment of the backlog of mainte-
11 nance and repair at each military housing privatiza-
12 tion project where a significant backlog exists, in-
13 cluding an estimation of the cost of eliminating the
14 maintenance and repair backlog.

15 “(2) If the debt associated with a privatization
16 project exceeds net operating income or the occu-
17 pancy rates for the housing units are below 75 per-
18 cent for more than one year, the plan developed to
19 mitigate the financial risk of the project.

20 “(3) An assessment of any significant project
21 variances between the actual and pro forma deposits
22 in the recapitalization account.

23 “(4) The details of any significant withdrawals
24 from a recapitalization account, including the pur-
25 pose and rationale of the withdrawal and, if the

1 withdrawal occurs before the normal recapitalization
2 period, the impact of the early withdrawal on the fi-
3 nancial health of the project.

4 “(5) An assessment of the extent to which the
5 information required to comply with paragraphs (1)
6 through (4) has been requested by the Secretaries,
7 but has not been made available.

8 “(6) An assessment of cost assessed to mem-
9 bers of the armed forces for utilities compared to
10 utility rates in the local area.”.

11 **SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
12 **ITY TO USE OPERATION AND MAINTENANCE**
13 **FUNDS FOR CONSTRUCTION PROJECTS IN**
14 **CERTAIN AREAS OUTSIDE THE UNITED**
15 **STATES.**

16 Section 2808 of the Military Construction Authoriza-
17 tion Act for Fiscal Year 2004 (division B of Public Law
18 108–136; 117 Stat. 1723), as most recently amended by
19 section 2804 of the Military Construction Authorization
20 Act for Fiscal Year 2012 (division B of Public Law 112–
21 81; 125 Stat. 1685), is further amended—

22 (1) in subsection (c)—

23 (A) by striking paragraph (2);

24 (B) by redesignating paragraph (3) as
25 paragraph (2); and

1 (C) in paragraph (2), as so redesignated,
2 by striking the second sentence; and

3 (2) in subsection (h)—

4 (A) in paragraph (1), by striking “Sep-
5 tember 30, 2012” and inserting “September 30,
6 2013”; and

7 (B) in paragraph (2), by striking “fiscal
8 year 2013” and inserting “fiscal year 2014”.

9 **SEC. 2805. COMPTROLLER GENERAL REPORT ON IN-KIND**
10 **PAYMENTS.**

11 (a) **REPORTS REQUIRED.**—

12 (1) **INITIAL REPORT.**—Not later than 270 days
13 after the date of the enactment of this Act, the
14 Comptroller General of the United States shall sub-
15 mit to the congressional defense committees a report
16 on the construction or renovation of Department of
17 Defense facilities with in-kind payments. The report
18 shall cover construction or renovation projects begun
19 during the preceding two years.

20 (2) **UPDATES.**—Not later than one year after
21 submitting the report required under paragraph (1),
22 and annually thereafter for three years, the Comp-
23 troller General shall submit to the congressional de-
24 fense committees a report covering projects begun
25 since the most recent report.

1 (b) CONTENT.—Each report required under sub-
2 section (a) shall include the following elements:

3 (1) A listing of each facility constructed or ren-
4 ovated for the Department of Defense as payment in
5 kind.

6 (2) The value in United States dollars of that
7 construction or renovation.

8 (3) The source of the in-kind payment.

9 (4) The agreement pursuant to which the in-
10 kind payment was made.

11 (5) A description of the purpose and need for
12 the construction or renovation.

13 **Subtitle B—Real Property and** 14 **Facilities Administration**

15 **SEC. 2811. CLARIFICATION OF PARTIES WITH WHOM DE-** 16 **PARTMENT OF DEFENSE MAY CONDUCT EX-** 17 **CHANGES OF REAL PROPERTY AT CERTAIN** 18 **MILITARY INSTALLATIONS.**

19 Section 2869(a)(1) of title 10, United States Code,
20 is amended—

21 (1) by striking “any eligible entity” and insert-
22 ing “any person”;

23 (2) by striking “the entity” and inserting “the
24 person”; and

1 (3) by striking “their control” and inserting
2 “the person’s control”.

3 **SEC. 2812. IDENTIFICATION REQUIREMENTS FOR ACCESS**
4 **TO MILITARY INSTALLATIONS.**

5 (a) PROCEDURAL REQUIREMENTS FOR IDENTIFICA-
6 TION VERIFICATION.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall publish procedural requirements regarding access to
9 military installations in the United States by individuals,
10 including individuals performing work under a contract
11 awarded by the Department of Defense. The procedural
12 requirements may vary between military installations, or
13 parts of installations, depending on the nature of the in-
14 stallation, the nature of the access granted, and the level
15 of security required.

16 (b) ISSUES ADDRESSED.—The procedures required
17 by subsection (a) shall address, at a minimum, the fol-
18 lowing:

19 (1) The forms of identification to be required to
20 permit entry.

21 (2) The measures to be used to verify the au-
22 thenticity of such identification and identify individ-
23 uals who seek unauthorized access to a military in-
24 stallation through the use of fraudulent identifica-
25 tion or other means.

1 (3) The measures to be used to notify Depart-
2 ment of Defense security personnel of any attempt
3 to gain unauthorized access to a military installa-
4 tion.

5 **SEC. 2813. REPORT ON PROPERTY DISPOSALS AT CERTAIN**
6 **CLOSED MILITARY INSTALLATIONS AND AD-**
7 **DITIONAL AUTHORITIES TO ASSIST LOCAL**
8 **COMMUNITIES IN THE VICINITY OF SUCH IN-**
9 **STALLATIONS.**

10 (a) REPORT REQUIRED.—Not later than 270 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense shall submit to the congressional defense com-
13 mittees a report on the disposition of any closure of an
14 active-duty military installation since 1988 in the United
15 States that—

16 (1) was not subject to the property disposal
17 provisions contained in the Defense Base Closure
18 and Realignment Act of 1990 (part A of title XXIX
19 of Public Law 101–510; 10 U.S.C. 2687 note); and

20 (2) for which property disposals have not been
21 completed as of the date of the enactment of this
22 Act.

23 (b) ELEMENTS.—The report required by subsection
24 (a) shall include the following:

1 (1) A description of the status of property de-
2 scribed in subsection (a).

3 (2) An assessment of the environmental condi-
4 tions of, and plans and costs for environmental re-
5 mediation for, each such property;

6 (3) The plan and schedule, if currently avail-
7 able, for the disposal of each such property.

8 (4) A description of additional future financial
9 liability or other policy impacts to the Department
10 of Defense that are likely to be incurred in the event
11 that statutory authorities provided by Congress in
12 connection with the disposition of military installa-
13 tions closed under a base closure law are extended
14 to military installations closed apart from a base clo-
15 sure law and for which property disposals have not
16 been completed as of the date of the enactment of
17 this Act.

18 (5) Such recommendations, if any, as the Sec-
19 retary of Defense considers appropriate for addi-
20 tional authorities to assist the Department in expe-
21 diting the disposal of property at closed military in-
22 stallations in order to facilitate economic redevelop-
23 ment for local communities.

24 (c) DEFINITIONS.—In this section:

1 (1) The term “base closure law” has the mean-
2 ing given that term in section 101(a)(17) of title 10,
3 United States Code.

4 (2) The term “military installation” means a
5 base, camp, post, station, yard, center, homeport fa-
6 cility for any ship, or other activity under the juris-
7 diction of the Department of Defense in the United
8 States.

9 (3) The term “United States” means the sev-
10 eral States, the District of Columbia, the Common-
11 wealth of Puerto Rico, American Samoa, the Virgin
12 Islands, the Commonwealth of the Northern Mar-
13 iana Islands, and Guam.

14 **SEC. 2814. REPORT ON REORGANIZATION OF AIR FORCE**
15 **MATERIEL COMMAND ORGANIZATIONS.**

16 (a) **REPORT REQUIRED.**—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall submit to the congressional defense com-
19 mittees a report on the reorganization of Air Force Mate-
20 riel Command organizations.

21 (b) **ELEMENTS.**—The report required under sub-
22 section (a) shall include the following elements:

23 (1) An assessment of the efficiencies and effec-
24 tiveness associated with the reorganization of Air
25 Force Materiel Command organizations.

1 (2) An assessment of the organizational con-
2 struct to determine how institutional synergies that
3 were previously available in a collocated center can
4 be replicated in the new Air Force Materiel Com-
5 mand Center reorganization, including an assess-
6 ment of the following Air Force Materiel Command
7 capabilities:

8 (A) Science and Technology, Acquisition.

9 (B) Developmental Test and Evaluation.

10 (3) An assessment of synergistic efficiencies as-
11 sociated with capabilities of collocated organizations
12 of other commands, including an assessment of the
13 impact of the reorganization of the Air Force Mate-
14 riel Command on the responsibilities of other com-
15 mands regarding the following:

16 (A) Operational Test and Evaluation.

17 (B) Follow-on Operational Test and Eval-
18 uation.

19 (4) An assessment of how the Air Force reorga-
20 nization of Air Force Materiel Command is in adher-
21 ence with section 2687 of title 10, United States
22 Code.

23 (5) An analysis of the extent to which the pro-
24 posed changes in the Air Force management struc-
25 ture were coordinated with the Office of the Sec-

1 retary of Defense and the degree to which any con-
2 cerns raised by such Office were addressed in the
3 approach selected by the Air Force.

4 **Subtitle C—Energy Security**

5 **SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CON-**
6 **TRACTS FOR THE PROVISION AND OPER-**
7 **ATION OF ENERGY PRODUCTION FACILITIES**
8 **AUTHORIZED TO BE LOCATED ON REAL**
9 **PROPERTY UNDER THE JURISDICTION OF A**
10 **MILITARY DEPARTMENT.**

11 Section 2662(a)(1) of title 10, United States Code,
12 is amended by adding at the end the following new sub-
13 paragraph:

14 “(H) Any transaction or contract action for the
15 provision and operation of energy production facili-
16 ties on real property under the jurisdiction of the
17 Secretary of a military department, as authorized by
18 section 2922a(a)(2) of this title, if the term of the
19 transaction or contract exceeds 20 years.”.

20 **SEC. 2822. AVAILABILITY AND USE OF DEPARTMENT OF DE-**
21 **FENSE ENERGY COST SAVINGS TO PROMOTE**
22 **ENERGY SECURITY.**

23 Section 2912(b)(1) of title 10, United States Code,
24 is amended by inserting after “additional energy conserva-
25 tion” the following: “and energy security”.

1 **SEC. 2823. CONTINUATION OF LIMITATION ON USE OF**
2 **FUNDS FOR LEADERSHIP IN ENERGY AND EN-**
3 **VIRONMENTAL DESIGN (LEED) GOLD OR**
4 **PLATINUM CERTIFICATION.**

5 (a) ADDITIONAL REQUIREMENTS FOR REPORT ON
6 ENERGY-EFFICIENCY STANDARDS.—Subsection (a) of
7 section 2830 of the Military Construction Authorization
8 Act for Fiscal Year 2012 (division B of Public Law 112–
9 81; 125 Stat. 1695) is amended—

10 (1) in paragraph (1), by striking “Not later
11 than June 30, 2012, the” and inserting “The”; and

12 (2) by striking paragraph (3) and inserting the
13 following new paragraph (3):

14 “(3) DEPARTMENT OF DEFENSE UNIFIED FA-
15 CILITIES CRITERIA AND RELATED POLICIES.—The
16 report shall also include the Department of Defense
17 Unified Facilities Criteria and related Department
18 of Defense policies, which shall be updated—

19 “(A) to reflect comprehensive guidance for
20 the pursuit of design and building standards
21 throughout the Department of Defense that
22 specifically address energy- and water-efficient
23 standards and sustainable design attributes for
24 military construction based on the cost-benefit
25 analysis, return on investment, total ownership
26 costs, and demonstrated payback of the design

1 standards specified in subparagraphs (A), (B),
2 (C), and (D) of paragraph (2); and

3 “(B) to ensure that the building design
4 and certification standards are applied to each
5 military construction project based on geo-
6 graphic location and local circumstances to en-
7 sure maximum savings.”.

8 (b) PROHIBITION ON USE OF FUNDS FOR LEED
9 GOLD OR PLATINUM CERTIFICATION PENDING RE-
10 PORT.—Subsection (b)(1) of such section is amended—

11 (1) by striking “for fiscal year 2012” and in-
12 serting “for fiscal year 2012 or 2013”; and

13 (2) by inserting before the period at the end the
14 following: “until the report required by subsection
15 (a) is submitted to the congressional defense com-
16 mittees”.

17 **SEC. 2824. GUIDANCE ON FINANCING FOR RENEWABLE EN-**
18 **ERGY PROJECTS.**

19 (a) GUIDANCE ON USE OF AVAILABLE FINANCING
20 APPROACHES.—

21 (1) ISSUANCE.—Not later than 180 days after
22 the date of the enactment of this Act, the Secretary
23 of Defense shall—

1 (A) issue guidance about the use of avail-
2 able financing approaches for financing renew-
3 able energy projects; and

4 (B) direct the Secretaries of the military
5 departments to update their military depart-
6 ment-wide guidance accordingly.

7 (2) ELEMENTS.—The guidance issued pursuant
8 to paragraph (1) should describe the requirements
9 and restrictions applicable to the underlying authori-
10 ties and any Department of Defense-specific guide-
11 lines for using appropriated funds and alternative-fi-
12 nancing approaches for renewable energy projects to
13 maximize cost savings and energy efficiency for the
14 Department of Defense.

15 (b) GUIDANCE ON USE OF BUSINESS CASE ANAL-
16 YSES.—Not later than 180 days after the date of the en-
17 actment of this Act, the Secretary of Defense shall issue
18 guidance that establishes and clearly describes the proc-
19 esses used by the military departments to select financing
20 approaches for renewable energy projects to ensure that
21 business case analyses are completed to maximize cost sav-
22 ings and energy efficiency and mitigate drawbacks and
23 risks associated with different financing approaches.

24 (c) INFORMATION SHARING.—Not later than 180
25 days after the date of the enactment of this Act, the Sec-

1 retary of Defense shall develop a formalized communica-
2 tions process, such as a shared Internet website, that will
3 enable officials at military installations to have timely ac-
4 cess on an ongoing basis to information related to financ-
5 ing renewable energy projects on other installations, in-
6 cluding best practices and lessons that officials at other
7 installations have learned from their experiences in financ-
8 ing renewable energy projects.

9 (d) CONSULTATION.—The Secretary of Defense shall
10 issue the guidance under subsections (a) and (b) and de-
11 velop the communications process under subsection (c) in
12 consultation with the Under Secretary of Defense for Ac-
13 quisition, Technology, and Logistics and the Deputy
14 Under Secretary of Defense for Installations and Environ-
15 ment. The Secretary of Defense shall also issue the guid-
16 ance under subsection (b) in consultation with the Secre-
17 taries of the military departments.

18 **SEC. 2825. ENERGY SAVINGS PERFORMANCE CONTRACT**

19 **REPORT.**

20 (a) REPORT REQUIRED.—Not later than June 30,
21 2013, the Secretary of Defense shall submit to the con-
22 gressional defense committees a report on the use of en-
23 ergy savings performance contracts awarded by the De-
24 partment of Defense during calendar years 2010, 2011,
25 and 2012.

1 (b) ELEMENTS OF REPORT.—The report shall in-
2 clude the following (identified for each military depart-
3 ment separately):

4 (1) The amount of appropriated funds that
5 were obligated or expended during calendar years
6 2010, 2011, and 2012 for energy savings perform-
7 ance contracts and any funds remaining to be obli-
8 gated or expended for such energy savings perform-
9 ance contracts.

10 (2) The amount of such funds that have been
11 used for comprehensive retrofits.

12 (3) The amount of such funds that have been
13 used to leverage private sector capital, including the
14 amount of such capital.

15 (4) The amount of savings that have been
16 achieved, or that are expected to be achieved, as a
17 result of such energy savings performance contracts.

18 **Subtitle D—Provisions Related to**
19 **Asia-Pacific Military Realignment**

20 **SEC. 2831. CERTIFICATION OF MILITARY READINESS NEED**
21 **FOR A LIVE FIRE TRAINING RANGE COMPLEX**
22 **ON GUAM AS CONDITION ON ESTABLISH-**
23 **MENT OF RANGE COMPLEX.**

24 A Live Fire Training Range Complex on Guam may
25 not be established (including any construction or lease of

1 lands related to such establishment) in coordination with
2 the realignment of United States Armed Forces in the Pa-
3 cific until the Secretary of Defense certifies to the congres-
4 sional defense committees that there is a military training
5 and readiness requirement for the Live Fire Training
6 Range Complex.

7 **SEC. 2832. REALIGNMENT OF MARINE CORPS FORCES IN**
8 **ASIA-PACIFIC REGION.**

9 (a) RESTRICTION ON USE OF FUNDS FOR REALIGN-
10 MENT.—Except as provided in subsection (c), none of the
11 funds authorized to be appropriated under this Act, and
12 none of the amounts provided by the Government of Japan
13 for construction activities on land under the jurisdiction
14 of the Department of Defense, may be obligated to imple-
15 ment the realignment of Marine Corps forces from Oki-
16 nawa to Guam or Hawaii until each of the following oc-
17 curs:

18 (1) The Commander of the United States Pa-
19 cific Command provides to the congressional defense
20 committees an assessment of the strategic and
21 logistical resources needed to ensure the distributed
22 lay-down of members of the Marine Corps in the
23 United States Pacific Command Area of Responsi-
24 bility meets the contingency operations plans.

1 (2) The Secretary of Defense submits to the
2 congressional defense committees master plans for
3 the construction of facilities and infrastructure to
4 execute the Marine Corps distributed lay-down on
5 Guam and Hawaii, including a detailed description
6 of costs and the schedule for such construction.

7 (3) The Secretary of the Navy submits a plan
8 to the congressional defense committees detailing the
9 proposed investments and schedules required to re-
10 store facilities and infrastructure at Marine Corps
11 Air Station Futenma.

12 (4) A plan coordinated by all pertinent Federal
13 agencies is provided to the congressional defense
14 committees detailing descriptions of work, costs, and
15 a schedule for completion of construction, improve-
16 ments, and repairs to the non-military utilities, fa-
17 cilities, and infrastructure, if any, on Guam affected
18 by the realignment of forces.

19 (b) RESTRICTION ON DEVELOPMENT OF PUBLIC IN-
20 FRASTRUCTURE.—If the Secretary of Defense determines
21 that any grant, cooperative agreement, transfer of funds
22 to another Federal agency, or supplement of funds avail-
23 able in fiscal year 2012 or 2013 under Federal programs
24 administered by agencies other than the Department of
25 Defense will result in the development (including repair,

1 replacement, renovation, conversion, improvement, expan-
2 sion, acquisition, or construction) of public infrastructure
3 on Guam, the Secretary of Defense may not carry out
4 such grant, transfer, cooperative agreement, or supple-
5 mental funding unless such grant, transfer, cooperative
6 agreement, or supplemental funding is specifically author-
7 ized by law.

8 (c) EXCEPTIONS TO FUNDING RESTRICTION.—The
9 Secretary of Defense may use funds described in sub-
10 section (a)—

11 (1) to complete additional analysis or studies
12 required under the National Environmental Policy
13 Act of 1969 (42 U.S.C. 4321 et seq.) for proposed
14 actions on Guam or Hawaii;

15 (2) to initiate planning and design of construc-
16 tion projects at Andersen Air Force Base and An-
17 dersen South; and

18 (3) to carry out any military construction
19 project for which an authorization of appropriations
20 is provided in section 2204, as specified in the fund-
21 ing table in section 4601.

22 (d) DEFINITIONS.—In this section:

23 (1) DISTRIBUTED LAY-DOWN.—The term “dis-
24 tributed lay-down” refers to the planned distribution
25 of members of the Marine Corps in Okinawa, Guam,

1 Hawaii, Australia, and possibly elsewhere that is
2 contemplated in support of the joint statement of
3 the United States–Japan Security Consultative Com-
4 mittee issued April 26, 2012, in the District of Co-
5 lumbia (April 27, 2012, in Tokyo).

6 (2) PUBLIC INFRASTRUCTURE.—The term
7 “public infrastructure” means any utility, method of
8 transportation, item of equipment, or facility under
9 the control of a public entity or State or local gov-
10 ernment that is used by, or constructed for the ben-
11 efit of, the general public.

12 (e) REPEAL OF SUPERSEDED LAW.—Section 2207 of
13 the Military Construction Authorization Act for Fiscal
14 Year 2012 (division B of Public Law 112-81; 125 Stat.
15 1668) is repealed.

16 **Subtitle E—Land Conveyances**

17 **SEC. 2841. MODIFICATION OF AUTHORIZED CONSIDER-** 18 **ATION, BROADWAY COMPLEX OF THE DE-** 19 **PARTMENT OF THE NAVY, SAN DIEGO, CALI-** 20 **FORNIA.**

21 Section 2732(b)(1)(A) of the Military Construction
22 Authorization Act, 1987 (division B of Public 99–661;
23 100 Stat. 4046) is amended by striking “constructed on
24 such real property by the lessees.” and inserting the fol-
25 lowing: “constructed by the lessees—

1 “(i) on such real property; or

2 “(ii) on other real property within the bound-
3 aries of the metropolitan San Diego, California,
4 area.”.

5 **SEC. 2842. USE OF PROCEEDS, LAND CONVEYANCE, TYN-**
6 **DALL AIR FORCE BASE, FLORIDA.**

7 Section 2862(c) of the Military Construction Author-
8 ization Act for Fiscal Year 2000 (division B of Public Law
9 106–65; 113 Stat. 869) is amended by striking “construct
10 or improve military family housing units” and all that fol-
11 lows through the period at the end and inserting “improve
12 or repair facilities at Tyndall Air Force Base.”.

13 **SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RE-**
14 **SERVE CENTER, WARREN, OHIO.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of
16 the Army may convey, without consideration, to the Vil-
17 lage of Lordstown, Ohio (in this section referred to as the
18 “Village”), all right, title, and interest of the United
19 States in and to a parcel of real property, including any
20 improvements thereon, consisting of approximately 6.95
21 acres and containing the John Kunkel Army Reserve Cen-
22 ter located at 4967 Tod Avenue in Warren, Ohio, for the
23 purpose of permitting the Village to use the parcel for
24 public purposes.

1 (b) INTERIM LEASE.—Until such time as the real
2 property described in subsection (a) is conveyed to the Vil-
3 lage, the Secretary may lease the property to the Village.

4 (c) REVERSIONARY INTEREST.—If the Secretary de-
5 termines at any time that the real property conveyed
6 under subsection (a) is not being used in accordance with
7 the purpose of the conveyance specified in subsection (a)
8 or that the Village has violated a condition imposed by
9 subsection (e), all right, title, and interest in and to such
10 real property, including any improvements thereto, shall,
11 at the option of the Secretary, revert to and become the
12 property of the United States, and the United States shall
13 have the right of immediate entry onto such real property.
14 A determination by the Secretary under this subsection
15 shall be made on the record after an opportunity for a
16 hearing.

17 (d) PAYMENT OF COSTS OF CONVEYANCE.—

18 (1) PAYMENT REQUIRED.—The Secretary shall
19 require the Village to cover costs (except costs for
20 environmental remediation of the property) to be in-
21 curred by the Secretary, or to reimburse the Sec-
22 retary for such costs incurred by the Secretary, to
23 carry out the conveyance under subsection (a), in-
24 cluding survey costs, costs for environmental docu-
25 mentation, and any other administrative costs re-

1 lated to the conveyance. If amounts are collected
2 from the Village in advance of the Secretary incur-
3 ring the actual costs, and the amount collected ex-
4 ceeds the costs actually incurred by the Secretary to
5 carry out the conveyance, the Secretary shall refund
6 the excess amount to the Village.

7 (2) TREATMENT OF AMOUNTS RECEIVED.—
8 Amounts received as reimbursement under para-
9 graph (1) shall be credited to the fund or account
10 that was used to cover those costs incurred by the
11 Secretary in carrying out the conveyance. Amounts
12 so credited shall be merged with amounts in such
13 fund or account, and shall be available for the same
14 purposes, and subject to the same conditions and
15 limitations, as amounts in such fund or account.

16 (e) CONDITIONS OF CONVEYANCE.—The conveyance
17 of the real property under subsection (a) shall be subject
18 to the following conditions:

19 (1) That the Village not use any Federal funds
20 to cover any portion of the conveyance costs required
21 by subsection (d) to be paid by the Village or to
22 cover the costs for the design or construction of any
23 facility on the property.

1 (2) That the Village begin using the property
2 for public purposes before the end of the five-year
3 period beginning on the date of conveyance.

4 (f) DESCRIPTION OF PROPERTY.—The exact acreage
5 and legal description of the property to be conveyed under
6 subsection (a) shall be determined by a survey satisfactory
7 to the Secretary.

8 (g) ADDITIONAL TERMS.—The Secretary may re-
9 quire such additional terms and conditions in connection
10 with the conveyance as the Secretary considers appro-
11 priate to protect the interests of the United States.

12 **SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT**
13 **BLISS, TEXAS.**

14 (a) CONVEYANCE AUTHORIZED.—

15 (1) CONVEYANCE AUTHORITY.—The Secretary
16 of the Army may convey, without consideration, to
17 the Parks and Wildlife Department of the State of
18 Texas (in this section referred to as the “Depart-
19 ment”) all right, title, and interest of the United
20 States in and to a parcel of real property, including
21 any improvements thereon, consisting of approxi-
22 mately 7,081 acres at Fort Bliss, Texas, for the pur-
23 pose of permitting the Department to establish and
24 operate a park as an element of the Franklin Moun-
25 tains State Park.

1 (2) **PIECEMEAL CONVEYANCES.**—In anticipa-
2 tion of the conveyance of the entire parcel of real
3 property described in paragraph (1), the Secretary
4 may subdivide the parcel and convey to the Depart-
5 ment portions of the real property as the Secretary
6 determines that the condition of the real property is
7 compatible with the Department’s intended use of
8 the property.

9 (b) **REVERSIONARY INTEREST.**—If the Secretary de-
10 termines at any time that the real property conveyed
11 under subsection (a) is not being used in accordance with
12 the purpose of the conveyance, all right, title, and interest
13 in and to such real property, including any improvements
14 thereto, shall, at the option of the Secretary, revert to and
15 become the property of the United States, and the United
16 States shall have the right of immediate entry onto such
17 real property. A determination by the Secretary under this
18 subsection shall be made on the record after an oppor-
19 tunity for a hearing.

20 (c) **PAYMENT OF COSTS OF CONVEYANCES.**—

21 (1) **PAYMENT REQUIRED.**—The Secretary shall
22 require the Department to cover costs to be incurred
23 by the Secretary, or to reimburse the Secretary for
24 costs incurred by the Secretary, to carry out the
25 land conveyance under this section, including survey

1 costs, costs related to environmental documentation,
2 and other administrative costs related to the convey-
3 ance. If amounts are collected from the Department
4 in advance of the Secretary incurring the actual
5 costs, and the amount collected exceeds the costs ac-
6 tually incurred by the Secretary to carry out the
7 land exchange, the Secretary shall refund the excess
8 amount to Department. This paragraph does not
9 apply to costs associated with the environmental re-
10 mediation of the property to be conveyed.

11 (2) TREATMENT OF AMOUNTS RECEIVED.—
12 Amounts received as reimbursements under para-
13 graph (1) shall be credited to the fund or account
14 that was used to cover the costs incurred by the Sec-
15 retary in carrying out the land exchange. Amounts
16 so credited shall be merged with amounts in such
17 fund or account and shall be available for the same
18 purposes, and subject to the same conditions and
19 limitations, as amounts in such fund or account.

20 (c) DESCRIPTION OF PROPERTY.—The exact acreage
21 and legal descriptions of the parcels of real property to
22 be conveyed under subsection (a) shall be determined by
23 a survey satisfactory to the Secretary.

24 (d) ADDITIONAL TERMS AND CONDITIONS.—The
25 Secretary may require such additional terms and condi-

1 tions in connection with the conveyances under subsection
2 (a) as the Secretary considers appropriate to protect the
3 interests of the United States.

4 **SEC. 2845. MODIFICATION OF LAND CONVEYANCE, FORT**
5 **HOOD, TEXAS.**

6 Section 2848(a) of the Military Construction Author-
7 ization Act for Fiscal Year 2005 (division B of Public Law
8 108–375; 118 Stat. 2140) is amended by striking “for the
9 sole purpose” and all that follows through “Central
10 Texas.” and inserting the following: “for the purpose of
11 permitting the University System to use the property—

12 “(1) for the establishment of a State-supported
13 university, separate from other universities of the
14 University System, designated as Texas A&M Uni-
15 versity, Central Texas; and

16 “(2) for such other educational purposes as the
17 University System considers to be appropriate and
18 the Secretary of the Army determines to be compat-
19 ible with military activities in the vicinity of the
20 property.”.

21 **SEC. 2846. LAND CONVEYANCE, LOCAL TRAINING AREA FOR**
22 **BROWNING ARMY RESERVE CENTER, UTAH.**

23 (a) CONVEYANCE AUTHORIZED.—The Secretary of
24 the Army may convey, without consideration, to the State
25 of Utah Department of Veterans Affairs (in this section

1 referred to as the “Department”) all right, title, and inter-
2 est of the United States in and to a parcel of unimproved
3 real property consisting of approximately five acres of the
4 Local Training Area for the Browning Army Reserve Cen-
5 ter, Utah, for the purpose of constructing and operating
6 a Community Based Outpatient Clinic adjacent to the
7 George E. Wahlen Veterans Home in Ogden, Utah.

8 (b) PAYMENT OF COSTS OF CONVEYANCE.—

9 (1) PAYMENT REQUIRED.—The Secretary may
10 require the Department to cover costs to be incurred
11 by the Secretary, or to reimburse the Secretary for
12 costs incurred by the Secretary, to carry out the
13 conveyance under subsection (a), including survey
14 costs, costs related to environmental documentation,
15 and other administrative costs related to the convey-
16 ance. If amounts paid to the Secretary in advance
17 exceed the costs actually incurred by the Secretary
18 to carry out the conveyance, the Secretary shall re-
19 fund the excess amount to the Department.

20 (2) TREATMENT OF AMOUNTS RECEIVED.—
21 Amounts received as reimbursement under para-
22 graph (1) shall be credited to the fund or account
23 that was used to cover the costs incurred by the De-
24 partment. Amounts so credited shall be merged with
25 amounts in such fund or account, and shall be avail-

1 able for the same purposes, and subject to the same
2 conditions and limitations, as amounts in such fund
3 or account.

4 (c) DESCRIPTION OF PROPERTY.—The exact acreage
5 and legal description of the real property to be conveyed
6 under subsection (a) shall be determined by a survey satis-
7 factory to the Secretary.

8 (d) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the conveyance under subsection
11 (a) as the Secretary considers appropriate to protect the
12 interests of the United States.

13 **Subtitle F—Other Matters**

14 **SEC. 2851. MODIFICATION OF NOTICE REQUIREMENTS IN** 15 **ADVANCE OF PERMANENT REDUCTION OF** 16 **SIZABLE NUMBERS OF MEMBERS OF THE** 17 **ARMED FORCES AT MILITARY INSTALLA-** 18 **TIONS.**

19 (a) CALCULATION OF NUMBER OF AFFECTED MEM-
20 BERS.—Subsection (a) of section 993 of title 10, United
21 States Code, is amended by adding at the end the fol-
22 lowing new sentence: “In calculating the number of mem-
23 bers to be reduced, the Secretary shall take into consider-
24 ation both direct reductions and indirect reductions.”.

1 (b) NOTICE REQUIREMENTS.—Subsection (b) of such
2 section is amended by striking paragraphs (1) through (3)
3 and inserting the following new paragraphs:

4 “(1) the Secretary of Defense or the Secretary
5 of the military department concerned—

6 “(A) submits to Congress a notice of the
7 proposed reduction and the number of military
8 and civilian personnel assignments affected, in-
9 cluding reductions in base operations support
10 services and personnel to occur because of the
11 proposed reduction; and

12 “(B) includes in the notice a justification
13 for the reduction and an evaluation of the costs
14 and benefits of the reduction and of the local
15 economic, strategic, and operational con-
16 sequences of the reduction; and

17 “(2) a period of 90 days expires following the
18 day on which the notice is submitted to Congress.”.

19 (c) DEFINITIONS.—Such section is further amended
20 by adding at the end the following new subsection:

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘indirect reduction’ means subse-
23 quent planned reductions or relocations in base oper-
24 ations support services and personnel able to occur
25 due to the direct reductions.

1 “(2) The term ‘military installation’ means a
2 base, camp, post, station, yard, center, homeport fa-
3 cility for any ship, or other activity under the juris-
4 diction of the Department of Defense, including any
5 leased facility, which is located within any of the
6 several States, the District of Columbia, the Com-
7 monwealth of Puerto Rico, American Samoa, the
8 Virgin Islands, the Commonwealth of the Northern
9 Mariana Islands, or Guam. Such term does not in-
10 clude any facility used primarily for civil works, riv-
11 ers and harbors projects, or flood control projects.”.

12 **SEC. 2852. ACCEPTANCE OF GIFTS AND SERVICES TO SUP-**
13 **PORT MILITARY MUSEUM PROGRAMS AND**
14 **USE OF COOPERATIVE AGREEMENTS WITH**
15 **NONPROFIT ENTITIES FOR MILITARY MU-**
16 **SEUM AND MILITARY EDUCATIONAL INSTITU-**
17 **TION PROGRAMS.**

18 (a) ACCEPTANCE OF GIFTS AND SERVICES.—

19 (1) IN GENERAL.—Subsection (a) of section
20 2601 of title 10, United States Code, is amended—

21 (A) by striking “Subject to subsection
22 (d)(2), the” and inserting “(1) The”; and

23 (B) by adding at the end the following new
24 paragraph:

1 “(2)(A) Notwithstanding section 1342 of title 31, the
2 Secretary concerned may accept a gift of services for a
3 military museum program from a nonprofit entity estab-
4 lished for the purpose of supporting a military museum
5 program. Employees or personnel of a nonprofit entity
6 who provide a gift of services under this subparagraph
7 may not be considered to be employees of the United
8 States.

9 “(B) For the use and benefit of a military museum
10 program, the Secretary concerned may solicit from a bona
11 fide collector a gift of books, manuscripts, works of art,
12 historical artifacts, drawings, plans, models, or condemned
13 or obsolete combat materiel.”.

14 (2) CONFORMING AMENDMENTS.—Such section
15 is further amended—

16 (A) in subsection (b)(1), by striking “Sub-
17 ject to subsection (d)(2), the” and inserting
18 “The”;

19 (B) in subsection (d)—

20 (i) in paragraph (1), by striking “sub-
21 section (b)” and inserting “such sub-
22 sections”; and

23 (ii) in paragraph (2), by striking “and
24 money may not be accepted under sub-
25 section (a) and property, money, and serv-

1 ices may not be accepted under sub-
2 section” and inserting “, money, and serv-
3 ices may not be accepted under subsection
4 (a) or”; and

5 (C) in subsection (f), by striking “or
6 money accepted under subsection (a) and any
7 property, money, or services accepted under
8 subsection” and inserting “, money, or services
9 accepted under subsection (a) or”.

10 (b) AUTHORITY FOR COOPERATIVE AGREEMENTS.—

11 (1) IN GENERAL.—Chapter 155 of such title is
12 amended by adding at the end the following new sec-
13 tion:

14 **“§ 2615. Military museums and military education**
15 **programs: cooperative agreement author-**
16 **ity**

17 “(a) USE AUTHORIZED.—The Secretary concerned
18 may enter into a cooperative agreement with a nonprofit
19 entity for purposes related to—

20 “(1) a military museum program; or

21 “(2) the support of a military educational insti-
22 tution program.

23 “(b) COOPERATIVE AGREEMENT DESCRIBED.—For
24 purposes of subsection (a), an authorized cooperative
25 agreement is described in section 6305 of title 31, except

1 that the use of a cooperative agreement by the Secretary
2 concerned is limited to nonprofit entities.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by adding at the end the following new item:

“2615. Military museums and military education programs: cooperative agree-
ment authority.”.

6 **SEC. 2853. ADDITIONAL EXEMPTIONS FROM CERTAIN RE-**
7 **QUIREMENTS APPLICABLE TO FUNDING FOR**
8 **DATA SERVERS AND CENTERS.**

9 Section 2867(c) of the Military Construction Author-
10 ization Act for Fiscal Year 2012 (division B of Public Law
11 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amend-
12 ed—

13 (1) by striking “EXCEPTION.—The Chief” and
14 inserting the following: “EXCEPTIONS.—

15 “(1) INTELLIGENCE COMPONENTS.—The
16 Chief”; and

17 (2) by inserting at the end the following new
18 paragraph:

19 “(2) RESEARCH, DEVELOPMENT, TEST, AND
20 EVALUATION PROGRAMS.—The Chief Information
21 Officer of the Department may exempt from the ap-
22 plicability of this section research, development, test,
23 and evaluation programs that use authorization of
24 appropriations for the High Performance Computing

1 Modernization Program (Program Element
2 0603461A) if the Chief Information Officer deter-
3 mines that the exemption is in the best interest of
4 national security.”.

5 **SEC. 2854. REDESIGNATION OF THE CENTER FOR HEMI-**
6 **SPHERIC DEFENSE STUDIES AS THE WILLIAM**
7 **J. PERRY CENTER FOR HEMISPHERIC DE-**
8 **FENSE STUDIES.**

9 (a) REDESIGNATION.—The Department of Defense
10 regional center for security studies known as the Center
11 for Hemispheric Defense Studies is hereby renamed the
12 “William J. Perry Center for Hemispheric Defense Stud-
13 ies”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) REFERENCE TO REGIONAL CENTERS FOR
16 STRATEGIC STUDIES.—Section 184 of title 10,
17 United States Code, is amended—

18 (A) in subsection (b)(2)(C), by striking
19 “The Center for Hemispheric Defense Studies”
20 and inserting “The William J. Perry Center for
21 Hemispheric Defense Studies”; and

22 (B) in subsection (f)(5), by striking “the
23 Center for Hemispheric Defense Studies” and
24 inserting “the William J. Perry Center for
25 Hemispheric Defense Studies”.

1 (2) the Secretary of the Navy retain exclusive
2 authority to approve the design and site of the me-
3 morial.

4 **SEC. 2856. LIMITATION ON AVAILABILITY OF FUNDS PEND-**
5 **ING REPORT REGARDING ACQUISITION OF**
6 **LAND AND DEVELOPMENT OF A TRAINING**
7 **RANGE FACILITY ADJACENT TO THE MARINE**
8 **CORPS AIR GROUND COMBAT CENTER**
9 **TWENTYNINE PALMS, CALIFORNIA.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The Marine Corps has studied the feasi-
13 bility of acquiring land and developing a training
14 range facility to conduct Marine Expeditionary Bri-
15 gade level live-fire training on or near the West
16 Coast.

17 (2) The Bureau of Land Management estimates
18 on national economic impact show \$261,500,000 in
19 commerce at risk.

20 (3) Economic impact on the local community is
21 estimated to be \$71,100,000.

22 (b) LIMITATION OF FUNDS PENDING REPORT.—

23 (1) IN GENERAL.—The Secretary of the Navy
24 may not obligate or expend funds for the transfer of
25 land or development of a new training range on land

1 adjacent to the Marine Corps Air Ground Combat
2 Center Twentynine Palms, California, until the Sec-
3 retary of the Navy has provided the congressional
4 defense committees a report on the Marine Corps'
5 efforts with respect to the proposed training range.

6 (2) ELEMENTS OF REPORT.—The report re-
7 quired under paragraph (1) shall be submitted not
8 later than 90 days after the date of the enactment
9 of this Act and shall include the following:

10 (A) A description of the actual training re-
11 quirements for the proposed range and where
12 those training requirements are currently being
13 met to support combat deployments.

14 (B) Identification of the impact on off-road
15 vehicle recreational users of the land, the eco-
16 nomic impact on the local economy, the recre-
17 ation industry, and any other stakeholders.

18 (C) Identification of any concerns dis-
19 cussed with the Bureau of Land Management
20 regarding their assessments of the impact on
21 other users.

22 (D) Identification of the impact on the
23 State of California's 1980 Desert Conservation
24 Plan regarding allocation of the Off Highway
25 Vehicle Recreation Areas.

1 (E) An evaluation of the potential to use
2 the same land without transfer, but under spe-
3 cific permits for use provided by the Bureau of
4 Land Management (as such permits are used at
5 other locations from the Forest Service and Bu-
6 reau of Land Management).

7 (F) An evaluation of any potential impacts
8 on other Bureau of Land Management lands
9 proximate to Marine Corps Air Ground Combat
10 Center Twentynine Palms or other locations in
11 the geographic region.

12 (3) SECRETARY OF DEFENSE WAIVER.—In the
13 event of urgent national need, the Secretary of De-
14 fense may notify the congressional defense commit-
15 tees and waive the requirement for the report re-
16 quired under paragraph (1).

17 **SEC. 2857. OVERSIGHT AND MAINTENANCE OF CLOSED**
18 **BASE CEMETERIES OVERSEAS CONTAINING**
19 **THE REMAINS OF MEMBERS OF THE ARMED**
20 **FORCES OR CITIZENS OF THE UNITED**
21 **STATES.**

22 (a) OVERSIGHT AND MAINTENANCE PLAN RE-
23 QUIRED.—Not later than 30 days after the closure of a
24 United States military installation located outside of the
25 United States that includes a cemetery containing the re-

1 mains of members of the Armed Forces or citizens of the
2 United States, the Secretary of Defense shall submit to
3 the Committees on Armed Services of the Senate and the
4 House of Representatives a report containing a plan to
5 ensure the oversight and continued operation and mainte-
6 nance of the cemetery.

7 (b) PLAN ELEMENTS.—The plan for a military in-
8 stallation cemetery outside of the United States required
9 by subsection (a) shall—

10 (1) specify the Federal agency or private entity
11 that will assume responsibility for the operation and
12 maintenance of the cemetery following the closure of
13 the installation; and

14 (2) describe the information with regard to the
15 cemetery that has been provided to the responsible
16 agency or private entity.

17 **SEC. 2858. REPORT ON ESTABLISHMENT OF JOINT ARMED**
18 **FORCES HISTORICAL STORAGE AND PRESER-**
19 **VATION FACILITY.**

20 Not later than 180 days after the date of the enact-
21 ment of this Act, the Secretary of Defense shall submit
22 to the congressional defense committees a report setting
23 forth an assessment of the feasibility and advisability of
24 establishing a joint Armed Forces historical storage and
25 preservation facility. The report shall include a description

1 and assessment of the current capacities and qualities of
2 the historical storage and preservation installations of
3 each of the Armed Forces, including the following:

4 (1) An identification of any excess capacity at
5 any such installation.

6 (2) An identification of any shortfalls in the ca-
7 pacity or quality of such installations of any Armed
8 Force, and a description of possible actions to ad-
9 dress such shortfalls.

10 **SEC. 2859. ESTABLISHMENT OF COMMEMORATIVE WORK**
11 **TO GOLD STAR MOTHERS.**

12 (a) **ELIGIBLE FEDERAL LAND.**—In this section, the
13 term “eligible Federal land” means Federal land depicted
14 as “Area I” or “Area II” on the map numbered 869/
15 86501 B and dated June 24, 2003. The term does not
16 include the Reserve (as defined in section 8902(a) of title
17 40, United States Code).

18 (b) **COMMEMORATIVE WORK AUTHORIZED.**—The
19 Gold Star Mothers National Monument Foundation may
20 establish a commemorative work on eligible Federal land
21 to commemorate the sacrifices made by mothers, and
22 made by their sons and daughters who as members of the
23 Armed Forces make the ultimate sacrifice, in defense of
24 the United States.

1 (c) COMPLIANCE WITH STANDARDS FOR COMMEMO-
2 RATIVE WORKS.—Chapter 89 of title 40, United States
3 Code, and other applicable Federal laws and regulations
4 shall apply to the establishment of the commemorative
5 work authorized by this section.

6 (d) PROHIBITION ON USE OF FEDERAL FUNDS.—
7 The Gold Star Mothers National Monument Foundation
8 may not use Federal funds to establish the commemora-
9 tive work authorized by this section.

10 (e) DEPOSIT OF EXCESS FUNDS.—

11 (1) UPON ESTABLISHMENT OF COMMEMORA-
12 TIVE WORK.—If, upon payment of all expenses for
13 the establishment of the commemorative work au-
14 thORIZED by this section (including the maintenance
15 and preservation amounts required by section
16 8906(b)(1) of title 40, United States Code), there
17 remains a balance of funds received for the estab-
18 lishment of the commemorative work, the Gold Star
19 Mothers National Monument Foundation shall
20 transmit the amount of the balance to the account
21 provided for in section 8906(b)(3) of such title.

22 (2) UPON EXPIRATION OF AUTHORITY TO ES-
23 TABLISH COMMEMORATIVE WORK.—If, upon expira-
24 tion of the authority for the commemorative work
25 under section 8903(e) of title 40, United Sates

1 Code, there remains a balance of funds received for
2 the establishment of the commemorative work, the
3 Gold Star Mothers National Monument Foundation
4 shall transmit the amount of the balance to a sepa-
5 rate account with the National Park Foundation for
6 memorials, to be available to the Secretary of the In-
7 terior or Administrator of General Services (as ap-
8 propriate) following the process provided in section
9 8906(b)(4) of such title for accounts established
10 under section 8906(b)(3) of such title.

11 **SEC. 2860. ESTABLISHMENT OF COMMEMORATIVE WORK**
12 **TO SLAVES AND FREE BLACK PERSONS WHO**
13 **SERVED IN AMERICAN REVOLUTION.**

14 (a) **ELIGIBLE FEDERAL LAND.**—In this section, the
15 term “eligible Federal land” means Federal land depicted
16 as “Area I” or “Area II” on the map numbered 869/
17 86501 B and dated June 24, 2003. The term does not
18 include the Reserve (as defined in section 8902(a) of title
19 40, United States Code).

20 (b) **COMMEMORATIVE WORK AUTHORIZED.**—The
21 National Mall Liberty Fund D.C. may establish a memo-
22 rial on eligible Federal land to honor the more than 5,000
23 courageous slaves and free Black persons who served as
24 soldiers and sailors or provided civilian assistance during
25 the American Revolution.

1 (c) COMPLIANCE WITH STANDARDS FOR COMMEMO-
2 RATIVE WORKS.—Chapter 89 of title 40, United States
3 Code, and other applicable Federal laws and regulations
4 shall apply to the establishment of the commemorative
5 work authorized by this section.

6 (d) PROHIBITION ON USE OF FEDERAL FUNDS.—
7 The National Mall Liberty Fund D.C. may not use Fed-
8 eral funds to establish the commemorative work author-
9 ized by this section.

10 (e) DEPOSIT OF EXCESS FUNDS.—

11 (1) UPON ESTABLISHMENT OF COMMEMORA-
12 TIVE WORK.—If, upon payment of all expenses for
13 the establishment of the commemorative work au-
14 thorized by this section (including the maintenance
15 and preservation amounts required by section
16 8906(b)(1) of title 40, United States Code), there
17 remains a balance of funds received for the estab-
18 lishment of the commemorative work, the National
19 Mall Liberty Fund D.C. shall transmit the amount
20 of the balance to the account provided for in section
21 8906(b)(3) of such title.

22 (2) UPON EXPIRATION OF AUTHORITY TO ES-
23 TABLISH COMMEMORATIVE WORK.—If, upon expira-
24 tion of the authority for the commemorative work
25 under section 8903(e) of title 40, United Sates

1 Code, there remains a balance of funds received for
2 the establishment of the commemorative work, the
3 National Mall Liberty Fund D.C. shall transmit the
4 amount of the balance to a separate account with
5 the National Park Foundation for memorials, to be
6 available to the Secretary of the Interior or Adminis-
7 trator of General Services (as appropriate) following
8 the process provided in section 8906(b)(4) of such
9 title for accounts established under section
10 8906(b)(3) of such title.

11 (f) REPEAL OF JOINT RESOLUTIONS.—Public Law
12 99–558 (110 Stat. 3144; 40 U.S.C. 8903 note) and Public
13 Law 100–265 (102 Stat. 39; 40 U.S.C. 8903 note) are
14 repealed.

15 **TITLE XXIX—OVERSEAS CONTIN-**
16 **GENY OPERATIONS MILI-**
17 **TARY CONSTRUCTION**

Sec. 2901. Authorized Navy construction and land acquisition project.

18 **SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND**
19 **ACQUISITION PROJECT.**

20 (a) OUTSIDE THE UNITED STATES.—The Secretary
21 of the Navy may acquire real property and carry out the
22 military construction project for the installation outside
23 the United States, and in the amount, set forth in the
24 following table:

Navy: Outside the United States

Country	Installation	Amount
Djibouti	Camp Lemonier	\$99,420,000

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
 2 are hereby authorized to be appropriated for fiscal years
 3 beginning after September 30, 2012, for the military con-
 4 struction project outside the United States authorized by
 5 subsection (a) as specified in the funding table in section
 6 4602.

7 **DIVISION C—DEPARTMENT OF**
 8 **ENERGY NATIONAL SECURITY**
 9 **AUTHORIZATIONS AND**
 10 **OTHER AUTHORIZATIONS**
 11 **TITLE XXXI—DEPARTMENT OF**
 12 **ENERGY NATIONAL SECURITY**
 13 **PROGRAMS**

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Authorized personnel levels of the Office of the Administrator.
- Sec. 3112. Budget justification materials.
- Sec. 3113. National Nuclear Security Administration Council.
- Sec. 3114. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.
- Sec. 3115. Design and use of prototypes of nuclear weapons.
- Sec. 3116. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.
- Sec. 3117. Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees.

- Sec. 3118. Modification and extension of authority on acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3119. Limitation on availability of funds for Center of Excellence on Nuclear Security.
- Sec. 3120. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.
- Sec. 3121. Cost-benefit analyses for competition of management and operating contracts.
- Sec. 3122. Program on scientific engagement for nonproliferation.
- Sec. 3123. Cost containment for Uranium Capabilities Replacement Project.

Subtitle C—Improvements to National Security Energy Laws

- Sec. 3131. Improvements to the Atomic Energy Defense Act.
- Sec. 3132. Improvements to the National Nuclear Security Administration Act.
- Sec. 3133. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.
- Sec. 3134. Repeal of certain reporting requirements.

Subtitle D—Reports

- Sec. 3141. Reports on lifetime extension programs.
- Sec. 3142. Notification of nuclear criticality and non-nuclear incidents.
- Sec. 3143. Quarterly reports to Congress on financial balances for atomic energy defense activities.
- Sec. 3144. National Academy of Sciences study on peer review and design competition related to nuclear weapons.
- Sec. 3145. Report on defense nuclear nonproliferation programs.
- Sec. 3146. Study on reuse of plutonium pits.
- Sec. 3147. Assessment of nuclear weapon pit production requirement.
- Sec. 3148. Study on a multiagency governance model for national security laboratories.
- Sec. 3149. Report on efficiencies in facilities and functions of the National Nuclear Security Administration.
- Sec. 3150. Study on regional radiological security zones.
- Sec. 3151. Report on abandoned uranium mines.

Subtitle E—Other Matters

- Sec. 3161. Use of probabilistic risk assessment to ensure nuclear safety.
- Sec. 3162. Submittal to Congress of selected acquisition reports and independent cost estimates on life extension programs and new nuclear facilities.
- Sec. 3163. Classification of certain restricted data.
- Sec. 3164. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.
- Sec. 3165. Pilot program on technology commercialization.
- Sec. 3166. Congressional advisory panel on the governance of the nuclear security enterprise.

Subtitle F—American Medical Isotopes Production

- Sec. 3171. Short title.

Sec. 3172. Definitions.

Sec. 3173. Improving the reliability of domestic medical isotope supply.

Sec. 3174. Exports.

Sec. 3175. Report on disposition of exports.

Sec. 3176. Domestic medical isotope production.

Sec. 3177. Annual Department reports.

Sec. 3178. National Academy of Sciences report.

1 **Subtitle A—National Security**
2 **Programs Authorizations**

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
4 **TION.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
6 are hereby authorized to be appropriated to the Depart-
7 ment of Energy for fiscal year 2013 for the activities of
8 the National Nuclear Security Administration in carrying
9 out programs as specified in the funding table in section
10 4701.

11 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
12 From funds referred to in subsection (a) that are available
13 for carrying out plant projects, the Secretary of Energy
14 may carry out new plant projects for the National Nuclear
15 Security Administration as follows:

16 Project 13–D–301, Electrical Infrastruc-
17 ture Upgrades, Lawrence Livermore National
18 Laboratory, Livermore, California, and Los Al-
19 amos National Laboratory, Los Alamos, New
20 Mexico, \$23,000,000.

1 Project 13–D–903, Kesselring Site Proto-
2 type Staff Building, Kesselring Site, West Mil-
3 ton, New York, \$14,000,000.

4 Project 13–D–904, Kesselring Site Radio-
5 logical Work and Storage Building, Kesselring
6 Site, West Milton, New York, \$2,000,000.

7 Project 13–D–905, Remote-Handled Low-
8 Level Waste Disposal Project, Idaho National
9 Laboratory, \$8,890,000.

10 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

11 Funds are hereby authorized to be appropriated to
12 the Department of Energy for fiscal year 2013 for defense
13 environmental cleanup activities in carrying out programs
14 as specified in the funding table in section 4701.

15 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

16 Funds are hereby authorized to be appropriated to
17 the Department of Energy for fiscal year 2013 for other
18 defense activities in carrying out programs as specified in
19 the funding table in section 4701.

20 **Subtitle B—Program Authoriza-**
21 **tions, Restrictions, and Limita-**
22 **tions**

23 **SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OF-**
24 **FICE OF THE ADMINISTRATOR.**

25 (a) CAP ON FULL-TIME EQUIVALENT POSITIONS.—

1 (1) IN GENERAL.—Subtitle C of the National
2 Nuclear Security Administration Act (50 U.S.C.
3 2441 et seq.) is amended by inserting after section
4 3241 the following new section:

5 **“SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OF-**
6 **FICE OF THE ADMINISTRATOR.**

7 “(a) FULL-TIME EQUIVALENT PERSONNEL LEV-
8 ELS.—

9 “(1) TOTAL NUMBER.—By October 1, 2014,
10 the total number of employees of the Office of the
11 Administrator may not exceed 1,825.

12 “(2) EXCESS.—For fiscal year 2015 and each
13 fiscal year thereafter, the Administrator may not ex-
14 ceed the total number of employees authorized under
15 paragraph (1) unless, during each fiscal year in
16 which such total number exceeds 1,825, the Admin-
17 istrator submits to the congressional defense com-
18 mittees a report justifying such excess.

19 “(b) COUNTING RULE.—(1) A determination of the
20 number of employees in the Office of the Administrator
21 under subsection (a) shall be expressed on a full-time
22 equivalent basis.

23 “(2) Except as provided by paragraph (3), in deter-
24 mining the total number of employees in the Office of the
25 Administrator under subsection (a), the Administrator

1 shall count each employee of the Office without regard to
2 whether the employee is located at the headquarters of the
3 Administration, a site office of the Administration, a serv-
4 ice or support center of the Administration, or any other
5 location.

6 “(3) The following employees may not be counted for
7 purposes of determining the total number of employees in
8 the Office of the Administrator under subsection (a):

9 “(A) Employees of the Office of Naval Reac-
10 tors.

11 “(B) Employees of the Office of Secure Trans-
12 portation.

13 “(C) Members of the Armed Forces detailed to
14 the Administration.

15 “(D) Personnel supporting the Office of the Ad-
16 ministrator pursuant to the mobility program under
17 subchapter VI of chapter 33 of title 5, United States
18 Code (commonly referred to as the ‘Intergovern-
19 mental Personnel Act Mobility Program’).

20 “(e) VOLUNTARY EARLY RETIREMENT.—In accord-
21 ance with section 3523 of title 5, United States Code, the
22 Administrator may offer voluntary separation or retire-
23 ment incentives to meet the total number of employees au-
24 thorized under subsection (a).

1 “(d) USE OF IPA.—The Administrator shall ensure
2 that the expertise of the national security laboratories and
3 the nuclear weapons production facilities is made available
4 to the Administration, the Department of Energy, the De-
5 partment of Defense, other Federal agencies, and Con-
6 gress through the temporary assignment of personnel from
7 such laboratories and facilities pursuant to the Intergov-
8 ernmental Personnel Act Mobility Program and other
9 similar programs.”.

10 (2) CLERICAL AMENDMENT.—The table of con-
11 tents at the beginning of such Act is amended by in-
12 serting after the item relating to section 3241 the
13 following new item:

“Sec. 3241A. Authorized personnel levels of the Office of the Administrator.”.

14 (b) INCREASE IN EXCEPTED POSITIONS.—

15 (1) IN GENERAL.—Section 3241 of the Na-
16 tional Nuclear Security Administration Act (50
17 U.S.C. 2441) is amended—

18 (A) by striking “300” and inserting
19 “600”;

20 (B) by inserting “contracting, program
21 management,” before “scientific”; and

22 (C) by adding at the end the following new
23 sentence: “To ensure that the excepted posi-
24 tions established under this section are used,
25 the Administrator, to the extent practicable,

1 shall appoint an individual to such an excepted
2 position to replace the vacancy of a nonexcepted
3 position.”.

4 (2) CONFORMING AMENDMENT.—The heading
5 of such section is amended by inserting “**CON-**
6 **TRACTING, PROGRAM MANAGEMENT,**” before
7 “**SCIENTIFIC**”.

8 (3) CLERICAL AMENDMENT.—The table of con-
9 tents at the beginning of such Act is amended by
10 striking the item relating to section 3241 and insert-
11 ing the following new item:

 “Sec. 3241. Authority to establish certain contracting, program management,
 scientific, engineering, and technical positions.”.

12 **SEC. 3112. BUDGET JUSTIFICATION MATERIALS.**

13 Section 3251(b) of the National Nuclear Security Ad-
14 ministration Act (50 U.S.C. 2451(b)) is amended—

15 (1) by striking “In the” and inserting “(1) In
16 the”; and

17 (2) by adding at the end the following new
18 paragraph:

19 “(2) In the budget justification materials submitted
20 to Congress in support of each such budget, the Adminis-
21 trator shall include an assessment of how the budget
22 maintains the core nuclear weapons skills of the Adminis-
23 tration, including nuclear weapons design, engineering,
24 production, testing, and prediction of stockpile aging.”.

1 **SEC. 3113. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
2 **TION COUNCIL.**

3 (a) NNSA COUNCIL.—Section 4102 of the Atomic
4 Energy Defense Act (50 U.S.C. 2512) is amended to read
5 as follows:

6 **“SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SE-**
7 **CURITY ENTERPRISE.**

8 “(a) IN GENERAL.—The Administrator shall estab-
9 lish a management structure for the nuclear security en-
10 terprise in accordance with the National Nuclear Security
11 Administration Act (50 U.S.C. 2401 et seq.).

12 “(b) NATIONAL NUCLEAR SECURITY ADMINISTRA-
13 TION COUNCIL.—(1) The Administrator shall establish a
14 council to be known as the ‘National Nuclear Security Ad-
15 ministration Council’. The Council may advise the Admin-
16 istrator on—

17 “(A) scientific and technical issues relating to
18 policy matters;

19 “(B) operational concerns;

20 “(C) strategic planning;

21 “(D) the development of priorities relating to
22 the mission and operations of the Administration
23 and the nuclear security enterprise; and

24 “(E) such other matters as the Administrator
25 determines appropriate.

1 “(2) The Council shall be composed of the directors
2 of the national security laboratories and the nuclear weap-
3 ons production facilities.

4 “(3) The Council may provide the Administrator or
5 the Secretary of Energy recommendations for improving
6 the—

7 “(A) governance, management, effectiveness,
8 and efficiency of the Administration; and

9 “(B) any other matter in accordance with para-
10 graph (1).

11 “(4) Not later than 60 days after the date on which
12 any recommendation under paragraph (3) is received, the
13 Administrator or the Secretary, as the case may be, shall
14 respond to the Council with respect to whether such rec-
15 ommendation will be implemented and the reasoning for
16 implementing or not implementing such recommenda-
17 tion.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 at the beginning of such Act is amended by striking the
20 item relating to section 4102 and inserting the following
21 new item:

“Sec. 4102. Management structure for nuclear security enterprise.”.

22 **SEC. 3114. REPLACEMENT PROJECT FOR CHEMISTRY AND**
23 **METALLURGY RESEARCH BUILDING, LOS AL-**
24 **AMOS NATIONAL LABORATORY, NEW MEXICO.**

25 (a) PROJECT REQUIRED.—

1 (1) IN GENERAL.—Subtitle A of title XLII of
2 the Atomic Energy Defense Act (50 U.S.C. 2521 et
3 seq.) is amended by adding at the end the following
4 new section:

5 **“SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND**
6 **METALLURGY RESEARCH BUILDING, LOS AL-**
7 **AMOS NATIONAL LABORATORY, NEW MEXICO.**

8 “(a) REPLACEMENT BUILDING REQUIRED.—The
9 Secretary of Energy shall construct at Los Alamos Na-
10 tional Laboratory, New Mexico, a building to replace the
11 functions of the existing Chemistry and Metallurgy Re-
12 search Building at Los Alamos National Laboratory asso-
13 ciated with Department of Energy Hazard Category 2 spe-
14 cial nuclear material operations.

15 “(b) LIMITATION ON COST.—The cost of the building
16 constructed under subsection (a) may not exceed
17 \$3,700,000,000. If the Secretary determines the cost will
18 exceed such amount, the Secretary shall submit a detailed
19 justification for such increase to the congressional defense
20 committees.

21 “(c) PROJECT BASIS.—The construction authorized
22 by subsection (a) shall use as its basis the facility project
23 in the Department of Energy Readiness and Technical
24 Base designated 04–D–125 (chemistry and metallurgy fa-

1 cility replacement project at Los Alamos National Labora-
2 tory).

3 “(d) ASSISTANCE.—(1) In carrying out this section,
4 the Secretary shall procure the services of the Commander
5 of the Naval Facilities Engineering Command to assist the
6 Secretary with respect to the program management, over-
7 sight, and design activities of the project authorized by
8 subsection (a).

9 “(2) The Secretary shall carry out this subsection
10 using funds made available for the National Nuclear Secu-
11 rity Administration.

12 “(e) DEADLINE FOR COMMENCEMENT OF OPER-
13 ATIONS.—The building constructed under subsection (a)
14 shall commence operations by not later than December 31,
15 2026.”.

16 (2) CLERICAL AND TECHNICAL AMENDMENT.—
17 The table of contents at the beginning of such Act
18 is amended by inserting after the item relating to
19 section 4214, as added by section 3131(g)(2), the
20 following new item:

“Sec. 4215. Replacement project for Chemistry and Metallurgy Research Build-
ing, Los Alamos National Laboratory, New Mexico.”.

21 (b) FUNDING.—

22 (1) FISCAL YEAR 2013 FUNDS.—

23 (A) IN GENERAL.—Except as provided in
24 subparagraph (B), of the amounts authorized to

1 be appropriated by this Act for fiscal year 2013
2 for the National Nuclear Security Administra-
3 tion, \$70,000,000 shall be available for the con-
4 struction of the building authorized by section
5 4215 of the Atomic Energy Defense Act, as
6 added by subsection (a).

7 (B) EXCEPTION.—The following amounts
8 authorized to be appropriated by this Act for
9 fiscal year 2013 for the National Nuclear Secu-
10 rity Administration shall not be available for
11 the construction of the building:

12 (i) Amounts available for Directed
13 Stockpile Work.

14 (ii) Amounts available for Naval Reac-
15 tors.

16 (iii) Amounts available for the facility
17 project in the Department of Energy Read-
18 iness and Technical Base designated 06-
19 D-141.

20 (2) PRIOR FISCAL YEAR FUNDS.—Amounts au-
21 thORIZED to be appropriated for the Department of
22 Energy for a fiscal year before fiscal year 2013 and
23 available for the facility project in the Department
24 of Energy Readiness and Technical Base designated
25 04-D-125 (chemistry and metallurgy facility re-

1 placement project at Los Alamos National Labora-
2 tory, New Mexico) shall be available for the con-
3 struction of the building authorized by section 4215
4 of the Atomic Energy Defense Act, as added by sub-
5 section (a).

6 (c) LIMITATION ON ALTERNATIVE PLUTONIUM
7 STRATEGY.—No funds authorized to be appropriated by
8 this Act or any other Act may be obligated or expended
9 on any activities associated with a plutonium strategy for
10 the National Nuclear Security Administration that does
11 not include achieving full operational capability of the re-
12 placement project by December 31, 2026, as required by
13 section 4215(e) of the Atomic Energy Defense Act, as
14 added by subsection (a).

15 (d) NAVAL REACTOR STUDY.—

16 (1) IN GENERAL.—The Deputy Administrator
17 for Naval Reactors shall conduct a study of the re-
18 placement project, including an analysis of the cost,
19 benefits, and risks with respect to nuclear safety.

20 (2) SUBMISSION.—Not later than 18 months
21 after the date of the enactment of this Act, the Dep-
22 uty Administrator shall submit to the congressional
23 defense committees a report on the study under
24 paragraph (1), including recommendations of the
25 Deputy Administrator with respect to the project

1 structure, oversight model, and potential cost sav-
2 ings of the replacement project.

3 (3) CONSIDERATION OF RECOMMENDATIONS.—

4 In carrying out the replacement project, the Sec-
5 retary of Energy shall consider the recommendations
6 made by the Deputy Administrator in the report
7 under paragraph (2) and incorporate such rec-
8 ommendations into the project as the Secretary con-
9 siders appropriate.

10 (4) FUNDING.—The Secretary of Energy and
11 the Deputy Administrator shall carry out this sub-
12 section using funds authorized to be appropriated by
13 this Act or otherwise made available for the National
14 Nuclear Security Administration that are not made
15 available for the Naval Nuclear Propulsion Program.

16 (e) REPLACEMENT PROJECT DEFINED.—In this sec-
17 tion, the term “replacement project” means the replace-
18 ment project for the Chemistry and Metallurgy Research
19 Building authorized by section 4215 of the Atomic Energy
20 Defense Act, as added by subsection (a).

21 **SEC. 3115. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**
22 **WEAPONS.**

23 (a) PROTOTYPES.—Subtitle A of title XLV of the
24 Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is
25 amended by adding at the end the following new section:

1 **“SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR**
2 **WEAPONS FOR INTELLIGENCE PURPOSES.**

3 “(a) PROTOTYPES.—The Administrator shall develop
4 and carry out a plan for the national security laboratories
5 and nuclear weapons production facilities to design and
6 build prototypes of nuclear weapons to further intelligence
7 estimates with respect to foreign nuclear weapons activi-
8 ties.

9 “(b) PROHIBITION ON PRODUCTION OF NUCLEAR
10 YIELDS.—In carrying out subsection (a), the Adminis-
11 trator may not conduct any experiments that produce a
12 nuclear yield.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 at the beginning of such Act is amended by inserting after
15 the item relating to section 4508 the following new item:

“Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence
purposes.”.

16 **SEC. 3116. TWO-YEAR EXTENSION OF SCHEDULE FOR DIS-**
17 **POSITION OF WEAPONS-USABLE PLUTONIUM**
18 **AT SAVANNAH RIVER SITE, AIKEN, SOUTH**
19 **CAROLINA.**

20 Section 4306 of the Atomic Energy Defense Act (50
21 U.S.C. 2566) is amended—

22 (1) in subsection (a)(3)—

23 (A) in subparagraph (C), by striking
24 “2012” and inserting “2014”; and

1 (B) in subparagraph (D), by striking
2 “2017” and inserting “2019”;

3 (2) in subsection (b)—

4 (A) in paragraph (1), by striking “by Jan-
5 uary 1, 2012”; and

6 (B) in paragraph (5), by striking “2012”
7 and inserting “2014”;

8 (3) in subsection (c)—

9 (A) in the matter preceding paragraph (1),
10 by striking “2012” and inserting “2014”;

11 (B) in paragraph (1), by striking “2014”
12 and inserting “2016”; and

13 (C) in paragraph (2), by striking “2020”
14 each place it appears and inserting “2022”;

15 (4) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) by striking “2014” and inserting
18 “2016”; and

19 (ii) by striking “2019” and inserting
20 “2021”; and

21 (B) in paragraph (2)(A), by striking
22 “2020” each place it appears and inserting
23 “2022”; and

24 (5) in subsection (e), by striking “2023” and
25 inserting “2025”.

1 **SEC. 3117. TRANSPARENCY IN CONTRACTOR PERFORM-**
2 **ANCE EVALUATIONS BY THE NATIONAL NU-**
3 **CLEAR SECURITY ADMINISTRATION LEADING**
4 **TO AWARD FEES.**

5 (a) PUBLICATION REQUIRED.—

6 (1) IN GENERAL.—Subtitle A of title XLVIII of
7 the Atomic Energy Defense Act (50 U.S.C. 2781 et
8 seq.) is amended by adding at the end the following
9 new section:

10 **“SEC. 4805. PUBLICATION OF CONTRACTOR PERFORMANCE**
11 **EVALUATIONS LEADING TO AWARD FEES.**

12 “(a) IN GENERAL.—The Administrator shall take ap-
13 propriate actions to make available to the public, to the
14 maximum extent practicable, contractor performance eval-
15 uations conducted by the Administration of management
16 and operating contractors of the nuclear security enter-
17 prise that results in the award of an award fee to the con-
18 tractor concerned.

19 “(b) FORMAT.—Performance evaluations shall be
20 made public under this section in a common format that
21 facilitates comparisons of performance evaluations be-
22 tween and among similar management and operating con-
23 tracts.”.

24 (2) CLERICAL AMENDMENT.—The table of con-
25 tents at the beginning of such Act is amended by in-

1 serting after the item relating to section 4803 the
2 following new items:

“Sec. 4804. Notice-and-wait requirement applicable to certain third-party financing arrangements.

“Sec. 4805. Publication of contractor performance evaluations leading to award fees.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act, and shall apply with respect to con-
6 tractor performance evaluations conducted by the Na-
7 tional Nuclear Security Administration on or after that
8 date.

9 **SEC. 3118. MODIFICATION AND EXTENSION OF AUTHORITY**

10 **ON ACCEPTANCE OF CONTRIBUTIONS FOR**
11 **ACCELERATION OF REMOVAL OR SECURITY**
12 **OF FISSILE MATERIALS, RADIOLOGICAL MA-**
13 **TERIALS, AND RELATED EQUIPMENT AT VUL-**
14 **NERABLE SITES WORLDWIDE.**

15 (a) **PROGRAMS FOR WHICH FUNDS MAY BE ACCEPT-**
16 **ED.**—Paragraph (2) of section 3132(f) of the Ronald W.
17 Reagan National Defense Authorization Act for Fiscal
18 Year 2005 (50 U.S.C. 2569(f)) is amended to read as fol-
19 lows:

20 “(2) **PROGRAMS COVERED.**—The programs de-
21 scribed in this paragraph are any programs within
22 the Office of Defense Nuclear Nonproliferation of
23 the National Nuclear Security Administration.”.

1 (b) EXTENSION.—Paragraph (7) of such section is
2 amended by striking “December 31, 2013” and inserting
3 “December 31, 2018”.

4 **SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR**
5 **CENTER OF EXCELLENCE ON NUCLEAR SECUR-**
6 **RITY.**

7 (a) LIMITATION.—Of the funds authorized to be ap-
8 propriated by this Act or otherwise made available for fis-
9 cal year 2013 for the National Nuclear Security Adminis-
10 tration, not more than \$7,000,000 may be obligated or
11 expended for the United States-China Center of Excel-
12 lence on Nuclear Security until the date on which the Sec-
13 retary of Energy submits to the appropriate congressional
14 committees the report under subsection (b)(2).

15 (b) NUCLEAR SECURITY.—

16 (1) REVIEW.—The Secretary of Energy, in co-
17 ordination with the Secretary of Defense, shall con-
18 duct a review of the existing and planned non-
19 proliferation activities with the People’s Republic of
20 China as of the date of the enactment of this Act
21 to determine if the engagement is directly or indi-
22 rectly supporting the proliferation of nuclear weap-
23 ons development and technology to other nations.

24 (2) REPORT.—Not later than 90 days after the
25 date of the enactment of this Act, the Secretary of

1 Energy shall submit to the appropriate congressional
2 committees a report certifying that the activities re-
3 viewed under paragraph (1) are not contributing to
4 the proliferation of nuclear weapons development
5 and technology to other nations.

6 (c) FORM.—The report under subsection (b)(2) may
7 be submitted in unclassified form and may include a clas-
8 sified annex.

9 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
10 DEFINED.—In this section, the term “appropriate con-
11 gressional committees” means—

12 (1) the Committee on Armed Services and the
13 Committee on Foreign Affairs of the House of Rep-
14 resentatives; and

15 (2) the Committee on Armed Services and the
16 Committee on Foreign Relations of the Senate.

17 **SEC. 3120. IMPROVEMENT AND STREAMLINING OF THE MIS-**
18 **SIONS AND OPERATIONS OF THE DEPART-**
19 **MENT OF ENERGY AND NATIONAL NUCLEAR**
20 **SECURITY ADMINISTRATION.**

21 (a) IN GENERAL.—The Secretary of Energy and the
22 Administrator for Nuclear Security shall review and, to
23 the extent practicable, revise the Department of Energy
24 Acquisition Regulation and other regulations, rules, direc-
25 tives, orders, and policies that apply to the administration,

1 execution, and oversight of the missions and operations
2 of the Department of Energy and the National Nuclear
3 Security Administration to improve and streamline such
4 administration, execution, and oversight.

5 (b) IMPROVEMENT AND STREAMLINING.—In carrying
6 out subsection (a), the Secretary and the Administrator
7 shall review and, to the extent practicable, carry out the
8 following actions:

9 (1) Streamline business processes and struc-
10 tures to reduce unnecessary, burdensome, or dupli-
11 cative approvals.

12 (2) Delegate approval for work for others agree-
13 ments and cooperative research and development
14 agreements (except those that the Secretary or Ad-
15 ministrator determine are high value or unique) to
16 the lowest appropriate officials and streamline the
17 approval processes.

18 (3) Establish processes for ensuring routine or
19 low-risk procurement and subcontracting decisions
20 are made at the discretion of the management and
21 operating contractors while ensuring that the Sec-
22 retary or Administrator apply appropriate oversight.

23 (4) Assess procurement thresholds as of the
24 date of the enactment of this Act and take steps as
25 appropriate to adjust such thresholds.

1 (5) Eliminate duplicative or low-value reports
2 and data calls and ensure consistency in manage-
3 ment and cost-accounting data.

4 (6) Actions to otherwise streamline, clarify, and
5 eliminate redundancy in the regulations, rules, direc-
6 tives, orders, and policies described by subsection
7 (a).

8 (c) BRIEFING.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary and the Administrator shall provide to the ap-
12 propriate congressional committees a briefing on the
13 review conducted under subsection (a), including the
14 status of such review and any actions taken or
15 planned to be taken to improve and streamline the
16 regulations, rules, directives, orders, and policies de-
17 scribed in such subsection.

18 (2) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES DEFINED.—In this subsection, the term “ap-
20 propriate congressional committees” means—

21 (A) the congressional defense committees;

22 and

23 (B) the Committee on Energy and Natural
24 Resources of the Senate and the Committee on

1 Energy and Commerce of the House of Rep-
2 resentatives.

3 **SEC. 3121. COST-BENEFIT ANALYSES FOR COMPETITION OF**
4 **MANAGEMENT AND OPERATING CONTRACTS.**

5 (a) **REPORTS REQUIRED.**—The Administrator for
6 Nuclear Security shall submit to the congressional defense
7 committees a report described in subsection (b) by not
8 later than 30 days after the date on which the Adminis-
9 trator awards a contract to manage and operate a facility
10 of the National Nuclear Security Administration.

11 (b) **REPORT DESCRIBED.**—A report described in this
12 subsection is a report on a contract described by sub-
13 section (a) that includes—

14 (1) the expected cost savings resulting from the
15 competition for the contract over the life of the con-
16 tract;

17 (2) the costs of the competition for the con-
18 tract, including the immediate costs of conducting
19 the competition and any increased costs over the life
20 of the contract;

21 (3) a description of—

22 (A) any disruption or delay in mission ac-
23 tivities or deliverables resulting from the com-
24 petition for the contract; and

1 (B) any benefits of the competition to mis-
2 sion performance or operations;

3 (4) how the competition for the contract com-
4 plied with the Federal Acquisition Regulation re-
5 garding federally funded research and development
6 centers, if applicable; and

7 (5) any other matters the Administrator con-
8 siders appropriate.

9 (c) GAO REVIEW.—Not later than 90 days after each
10 report is submitted to the congressional defense commit-
11 tees under subsection (a) or (d)(2), the Comptroller Gen-
12 eral of the United States shall submit to such committees
13 a review of such report.

14 (d) APPLICABILITY.—

15 (1) IN GENERAL.—The requirement for reports
16 under subsection (a) shall apply with respect to a
17 contract described by such subsection that is award-
18 ed by the Administrator during fiscal years 2013
19 through 2017.

20 (2) FISCAL YEARS 2012 AND 2013 CONTRACTS.—

21 For each contract described by subsection (a) that
22 is awarded by the Administrator during fiscal years
23 2012 or 2013 before the date of the enactment of
24 this Act, the Administrator shall submit to the con-
25 gressional defense committees a report described in

1 subsection (b) by not later than 90 days after the
2 date of such enactment.

3 **SEC. 3122. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR**
4 **NONPROLIFERATION.**

5 (a) PROGRAM REQUIRED.—

6 (1) SCIENTIFIC ENGAGEMENT.—The Secretary
7 of Energy, acting through the Administrator for Nu-
8 clear Security, shall carry out a program on sci-
9 entific engagement in countries selected by the Sec-
10 retary for purposes of the program to advance global
11 nonproliferation and nuclear security efforts.

12 (2) ELEMENTS.—The program under para-
13 graph (1) shall include the following elements:

14 (A) Training and capacity-building to
15 strengthen nonproliferation and security best
16 practices.

17 (B) Engagement of scientists of the United
18 States with foreign counterparts to advance
19 nonproliferation goals.

20 (3) DISTINCT PROGRAM.—The program re-
21 quired by this subsection shall be a distinct program
22 from the Global Initiatives for Proliferation Preven-
23 tion program.

24 (b) LIMITATION.—

1 (1) REPORT ON COMMENCEMENT OF PRO-
2 GRAM.—Of the funds authorized to be appropriated
3 by this Act or otherwise made available for fiscal
4 year 2013 or any fiscal year thereafter for the Na-
5 tional Nuclear Security Administration, not more
6 than 50 percent may be obligated or expended under
7 the program under subsection (a) until the date on
8 which the Administrator submits to the appropriate
9 congressional committees a report setting forth the
10 following:

11 (A) For each country selected for the pro-
12 gram as of the date of such report—

13 (i) a proliferation threat assessment
14 prepared by the Director of National Intel-
15 ligence; and

16 (ii) metrics for evaluating the effec-
17 tiveness of the program.

18 (B) Accounting standards for the conduct
19 of the program approved by the Comptroller
20 General of the United States.

21 (2) FORM.—The report under paragraph (1)
22 may be submitted in unclassified form and may in-
23 clude a classified annex.

24 (c) REPORTS ON MODIFICATION OF PROGRAM.—

1 (1) IN GENERAL.—Not later than 15 days be-
2 fore making any modification in the program under
3 subsection (a) (including selecting a new country for
4 the program, ceasing the selection of a country for
5 the program, or modifying an element of the pro-
6 gram), the Administrator shall submit to the appro-
7 priate congressional committees a report on the
8 modification.

9 (2) NEW COUNTRY.—If the modification cov-
10 ered by a report under paragraph (1) consists of the
11 selection for the program of a country not previously
12 selected for the program, the report shall include,
13 for each such country, the matters described in sub-
14 section (b)(1)(A).

15 (3) FORM.—The report under paragraph (1)
16 may be submitted in unclassified form and may in-
17 clude a classified annex.

18 (d) REPORT ON COORDINATION WITH OTHER U.S.
19 NONPROLIFERATION PROGRAMS.—Not later than 180
20 days after the date of the enactment of this Act, the Ad-
21 ministrator shall submit to the appropriate congressional
22 committees a report describing the manner in which the
23 program under subsection (a) coordinates with and com-
24 plements, but does not duplicate, other nonproliferation
25 programs of the Federal Government.

1 (e) COMPTROLLER GENERAL REPORT.—

2 (1) IN GENERAL.—Not later than two years
3 after the date of the enactment of this Act, the
4 Comptroller General of the United States shall sub-
5 mit to the appropriate congressional committees a
6 report on the program under subsection (a).

7 (2) MATTERS INCLUDED.—The report under
8 paragraph (1) shall include the following:

9 (A) An assessment by the Comptroller
10 General of the effectiveness of the program, as
11 determined in accordance with the metrics de-
12 scribed in subsection (b)(1)(A)(ii).

13 (B) An assessment of how the program co-
14 ordinates with, complements, or duplicates
15 other nonproliferation programs of the Federal
16 Government.

17 (C) Such other matters on the program as
18 the Comptroller General considers appropriate.

19 (f) TERMINATION.—The authority to carry out the
20 program under subsection (a) shall expire on September
21 30, 2016.

22 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
23 DEFINED.—In this section, the term “appropriate con-
24 gressional committees” means the following:

25 (1) The congressional defense committees.

1 (2) The Committee on Foreign Affairs of the
2 House of Representatives and the Committee on
3 Foreign Relations of the Senate.

4 **SEC. 3123. COST CONTAINMENT FOR URANIUM CAPABILI-**
5 **TIES REPLACEMENT PROJECT.**

6 (a) EXECUTION PHASES FOR PROJECT.—Project 06–
7 D–141 for the Y–12 Uranium Processing Facility, Y–12
8 National Security Complex, Oak Ridge, Tennessee, shall
9 be hereafter known as the “Uranium Capabilities Replace-
10 ment Project”. The project shall be broken into separate
11 execution phases as follows:

12 (1) Phase I, which shall consist of—

13 (A) processes and capabilities associated
14 with building 9212, including uranium casting
15 and uranium chemical processing; and

16 (B) the support, administration, and logis-
17 tics facilities and the building structure and
18 building-level utilities needed to carry out
19 Phases II and III.

20 (2) Phase II, which shall consist of processes
21 and capabilities associated with buildings 9215 and
22 9998, including uranium metal-working, machining,
23 and inspection.

24 (3) Phase III, which shall consist of processes
25 and capabilities associated with building 9204–2E,

1 including radiography, assembly, disassembly, qual-
2 ity evaluation, and production certification oper-
3 ations of nuclear weapon secondaries.

4 (b) BUDGETING AND AUTHORIZATION FOR EACH
5 PHASE.—

6 (1) BUDGETING FOR EACH PHASE REQUIRED.—

7 The Secretary of Energy shall budget separately for
8 each Phase under subsection (a) of the project re-
9 ferred to in that subsection.

10 (2) FUNDING PURSUANT TO SEPARATE AU-

11 THORIZATIONS OF APPROPRIATIONS.—Except as

12 provided by paragraph (3), the Secretary may not

13 proceed with a Phase under subsection (a) of the

14 project referred to in that subsection except with

15 funds expressly authorized to be appropriated for

16 that Phase by law.

17 (3) UNUSED FUNDING FROM PHASE I.—After

18 Phase I under subsection (a) is completed, the Sec-

19 retary may use any unobligated funds made avail-

20 able for such Phase for Phase II or Phase III if the

21 Secretary notifies the congressional defense commit-

22 tees before using such funds for Phase II or Phase

23 III.

24 (c) COMPLIANCE OF PHASES WITH DOE ORDER ON

25 PROGRAM AND PROJECT MANAGEMENT.—Each Phase

1 under subsection (a) of the project referred to in that sub-
2 section shall comply with Department of Energy Order
3 413.3, relating to Program Management and Project Man-
4 agement for the Acquisition of Capital Assets.

5 (d) LIMITATION ON COST OF PHASE I.—The total
6 cost of Phase I under subsection (a) of the project referred
7 to in that subsection may not exceed \$4,200,000,000. If
8 the Administrator determines the total cost of Phase I will
9 exceed \$4,200,000,000, the Administrator shall submit to
10 the congressional defense committees a detailed justifica-
11 tion for such increase.

12 (e) ASSISTANCE.—

13 (1) NAVFAC.—In carrying out this section,
14 the Secretary shall procure the services of the Com-
15 mander of the Naval Facilities Engineering Com-
16 mand to assist the Secretary with respect to the pro-
17 gram management, oversight, and design activities
18 of the project referred to in subsection (a).

19 (2) SOURCE OF FUNDING.—The Secretary shall
20 carry out paragraph (1) using funds made available
21 for the National Nuclear Security Administration.

22 (f) GAO QUARTERLY REPORTS.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of the enactment of this Act, and quarterly
25 thereafter until the date on which the project re-

1 ferred to in subsection (a) is completed, the Comp-
2 troller General of the United States shall submit to
3 the congressional defense committees a report on all
4 Phases under such subsection.

5 (2) MATTERS INCLUDED.—The reports under
6 paragraph (1) shall include—

7 (A) the progress on adhering to cost pro-
8 jections for the project referred to in subsection
9 (a) and the progress on meeting the require-
10 ments of section 4713 of the Atomic Energy
11 Defense Act (50 U.S.C. 2753);

12 (B) the status of the technology readiness
13 levels for equipment and processes that will ac-
14 company each Phase under subsection (a);

15 (C) independent cost estimates of such
16 Phases;

17 (D) the programmatic structure of the re-
18 lationship between the prime contractor and
19 subcontractors; and

20 (E) any other issue that the Comptroller
21 General determines appropriate with respect to
22 the requirements, cost, schedule, or technology
23 readiness levels of such project.

24 (g) NAVAL REACTOR STUDY.—

1 (1) IN GENERAL.—The Deputy Administrator
2 for Naval Reactors shall conduct a study of the
3 project referred to in subsection (a), including an
4 analysis of the cost, benefits, and risks with respect
5 to nuclear safety.

6 (2) SUBMISSION.—Not later than one year after
7 the date of the enactment of this Act, the Deputy
8 Administrator shall submit to the congressional de-
9 fense committees a report on the study under para-
10 graph (1), including recommendations of the Deputy
11 Administrator with respect to the project structure,
12 oversight model, and potential cost savings of the
13 project referred to in subsection (a).

14 (3) CONSIDERATION OF RECOMMENDATIONS.—
15 In carrying out the project referred to in subsection
16 (a), the Secretary of Energy shall consider the rec-
17 ommendations made by the Deputy Administrator in
18 the report under paragraph (2) and incorporate such
19 recommendations into the project as the Secretary
20 considers appropriate.

21 (4) FUNDING.—The Secretary and the Deputy
22 Administrator shall carry out this subsection using
23 funds authorized to be appropriated by this Act or
24 otherwise made available for the National Nuclear

1 Security Administration that are not made available
2 for the Naval Nuclear Propulsion Program.

3 (h) CAPE REVIEW.—Not later than 180 days after
4 the date of the enactment of this Act, the Director of Cost
5 Assessment and Program Evaluation of the Department
6 of Defense shall submit to the congressional defense com-
7 mittees a review of the cost and schedule of the project
8 referred to in subsection (a).

9 **Subtitle C—Improvements to**
10 **National Security Energy Laws**

11 **SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DE-**
12 **FENSE ACT.**

13 (a) DEFINITIONS.—

14 (1) IN GENERAL.—Section 4002 of the Atomic
15 Energy Defense Act (50 U.S.C. 2501) is amended to
16 read as follows:

17 **“SEC. 4002. DEFINITIONS.**

18 “In this division:

19 “(1) The term ‘Administration’ means the Na-
20 tional Nuclear Security Administration.

21 “(2) The term ‘Administrator’ means the Ad-
22 ministrator for Nuclear Security.

23 “(3) The term ‘classified information’ means
24 any information that has been determined pursuant
25 to Executive Order No. 12333 of December 4, 1981

1 (50 U.S.C. 401 note), Executive Order No. 12958 of
2 April 17, 1995 (50 U.S.C. 435 note), or successor
3 orders, to require protection against unauthorized
4 disclosure and that is so designated.

5 “(4) The term ‘congressional defense commit-
6 tees’ means—

7 “(A) the Committee on Armed Services
8 and the Committee on Appropriations of the
9 Senate; and

10 “(B) the Committee on Armed Services
11 and the Committee on Appropriations of the
12 House of Representatives.

13 “(5) The term ‘nuclear security enterprise’
14 means the physical facilities, technology, and human
15 capital of the national security laboratories and the
16 nuclear weapons production facilities.

17 “(6) The term ‘national security laboratory’
18 means any of the following:

19 “(A) Los Alamos National Laboratory, Los
20 Alamos, New Mexico.

21 “(B) Sandia National Laboratories, Albu-
22 querque, New Mexico, and Livermore, Cali-
23 fornia.

24 “(C) Lawrence Livermore National Lab-
25 oratory, Livermore, California.

1 “(7) The term ‘nuclear weapons production fa-
2 cility’ means any of the following:

3 “(A) The Kansas City Plant, Kansas City,
4 Missouri.

5 “(B) The Pantex Plant, Amarillo, Texas.

6 “(C) The Y-12 National Security Com-
7 plex, Oak Ridge, Tennessee.

8 “(D) The Savannah River Site, Aiken,
9 South Carolina.

10 “(E) The Nevada National Security Site,
11 Nevada.

12 “(F) Any facility of the Department of En-
13 ergy that the Secretary of Energy, in consulta-
14 tion with the Administrator and Congress, de-
15 termines to be consistent with the mission of
16 the Administration.

17 “(8) The term ‘restricted data’ has the meaning
18 given such term in section 11 y. of the Atomic En-
19 ergy Act of 1954 (42 U.S.C. 2014(y)).”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents at the beginning of the Atomic Energy Defense
22 Act is amended by striking the item relating to sec-
23 tion 4002 and inserting the following new item:

 “Sec. 4002. Definitions.”.

24 (b) STOCKPILE STEWARDSHIP.—Section
25 4201(b)(5)(E) of the Atomic Energy Defense Act (50

1 U.S.C. 2521(b)(5)(E)) is amended by striking “(as de-
2 fined in section 3281 of the National Nuclear Security Ad-
3 ministration Act (50 U.S.C. 2471))”.

4 (c) ANNUAL ASSESSMENTS.—Section 4205 of the
5 Atomic Energy Defense Act (50 U.S.C. 2525) is amended
6 by striking subsection (i).

7 (d) TESTING OF NUCLEAR WEAPONS.—

8 (1) IN GENERAL.—Section 4210 of the Atomic
9 Energy Defense Act (50 U.S.C. 2530) is amended to
10 read as follows:

11 **“SEC. 4210. TESTING OF NUCLEAR WEAPONS.**

12 “(a) UNDERGROUND TESTING.—No underground
13 test of nuclear weapons may be conducted by the United
14 States after September 30, 1996, unless a foreign state
15 conducts a nuclear test after this date, at which time the
16 prohibition on United States nuclear testing is lifted.

17 “(b) ATMOSPHERIC TESTING.—None of the funds
18 appropriated pursuant to the National Defense Authoriza-
19 tion Act for Fiscal Year 1994 (Public Law 103–160; 107
20 Stat. 1547) or any other Act for any fiscal year may be
21 available to maintain the capability of the United States
22 to conduct atmospheric testing of a nuclear weapon.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents at the beginning of the Atomic Energy Defense
25 Act is amended by striking the items relating to sec-

1 tions 4210 and 4211 and inserting the following new
2 item:

“Sec. 4210. Testing of nuclear weapons.”.

3 (3) CONFORMING AMENDMENT.—Section 4211
4 of the Atomic Energy Defense Act (50 U.S.C. 2531)
5 is repealed.

6 (e) MANUFACTURING INFRASTRUCTURE.—Section
7 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532)
8 is amended by striking subsections (d) and (e).

9 (f) CRITICAL DIFFICULTIES REPORT.—

10 (1) IN GENERAL.—Section 4213 of the Atomic
11 Energy Defense Act (50 U.S.C. 2533) is amended—

12 (A) in the heading, by striking “**NUCLEAR**
13 **WEAPONS LABORATORIES AND NUCLEAR**
14 **WEAPONS PRODUCTION PLANTS**” and in-
15 serting “**NATIONAL SECURITY LABORA-**
16 **TORIES AND NUCLEAR WEAPONS PRODUC-**
17 **TION FACILITIES**”;

18 (B) in subsection (a)—

19 (i) by striking “Assistant Secretary of
20 Energy for Defense Programs” and insert-
21 ing “Administrator”;

22 (ii) by striking “nuclear weapons lab-
23 oratory” and inserting “national security
24 laboratory”; and

1 (iii) by striking “production plant”
2 and inserting “production facility”;

3 (C) in subsection (b)—

4 (i) in the heading, by striking “AS-
5 SISTANT SECRETARY” and inserting “AD-
6 MINISTRATOR”; and

7 (ii) by striking “Assistant Secretary”
8 each place it appears and inserting “Ad-
9 ministrator”; and

10 (D) by striking subsection (e).

11 (2) CLERICAL AMENDMENT.—The table of con-
12 tents at the beginning of the Atomic Energy Defense
13 Act is amended by striking the item relating to sec-
14 tion 4213 and inserting the following new item:

“Sec. 4213. Reports on critical difficulties at national security laboratories and
nuclear weapons production facilities.”.

15 (g) PLAN FOR TRANSFORMATION.—

16 (1) IN GENERAL.—Section 4214 of the Atomic
17 Energy Defense Act (50 U.S.C. 2534) is amended—

18 (A) by striking “nuclear weapons complex”
19 each place it appears (including the section
20 heading) and inserting “nuclear security enter-
21 prise”;

22 (B) by striking subsections (b) and (d);
23 and

1 (C) by redesignating subsection (c) as sub-
2 section (b).

3 (2) CLERICAL AMENDMENT.—The table of con-
4 tents at the beginning of the Atomic Energy Defense
5 Act is amended by inserting after the item relating
6 to section 4213, as inserted by subsection (f)(2), the
7 following new item:

“Sec. 4214. Plan for transformation of National Nuclear Security Administra-
tion nuclear security enterprise.”.

8 (h) TRITIUM PRODUCTION PROGRAM.—Section 4231
9 of the Atomic Energy Defense Act (50 U.S.C. 2541) is
10 amended to read as follows:

11 **“SEC. 4231. TRITIUM PRODUCTION PROGRAM.**

12 “(a) ESTABLISHMENT OF PROGRAM.—The Secretary
13 of Energy shall establish a tritium production program
14 that is capable of meeting the tritium requirements of the
15 United States for nuclear weapons.

16 “(b) LOCATION OF TRITIUM PRODUCTION FACIL-
17 ITY.—The Secretary shall locate any new tritium produc-
18 tion facility of the Department of Energy at the Savannah
19 River Site, South Carolina.”.

20 (i) TRITIUM RECYCLING FACILITIES.—Section 4234
21 of the Atomic Energy Defense Act (50 U.S.C. 2544) is
22 amended—

1 (1) by striking “(a) IN GENERAL.—The Sec-
2 retary of Energy” and inserting “The Secretary of
3 Energy”; and

4 (2) by striking subsection (b).

5 (j) RESTRICTED DATA.—Section 4501 of the Atomic
6 Energy Defense Act (50 U.S.C. 2651) is amended by
7 striking subsection (c).

8 (k) FOREIGN VISITORS.—

9 (1) IN GENERAL.—Section 4502 of the Atomic
10 Energy Defense Act (50 U.S.C. 2652) is amended—

11 (A) in the heading, by striking “**NA-**
12 **TIONAL LABORATORIES**” and inserting “**NA-**
13 **TIONAL SECURITY LABORATORIES**”;

14 (B) by striking “national laboratory” each
15 place it appears and inserting “national secu-
16 rity laboratory”; and

17 (C) in subsection (g), by striking para-
18 graphs (3) and (4).

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents at the beginning of the Atomic Energy Defense
21 Act is amended by striking the item relating to sec-
22 tion 4502 and inserting the following new item:

“Sec. 4502. Restrictions on access to national security laboratories by foreign
visitors from sensitive countries.”.

1 (l) BACKGROUND INVESTIGATIONS.—Section 4503 of
2 the Atomic Energy Defense Act (50 U.S.C. 2653) is
3 amended—

- 4 (1) by striking “(a) IN GENERAL.—”;
- 5 (2) by striking subsections (b) and (c); and
- 6 (3) by striking “national laboratory” and in-
7 serting “national security laboratory”.

8 (m) NUCLEAR DEFENSE INTELLIGENCE LOSSES.—

9 (1) IN GENERAL.—Section 4505 of the Atomic
10 Energy Defense Act (50 U.S.C. 2656) is amended—

11 (A) in the heading, by striking “**NU-**
12 **CLEAR**” and inserting “**ATOMIC**”;

13 (B) in the heading of subsection (b), by
14 striking “NUCLEAR” and inserting “ATOMIC
15 ENERGY”; and

16 (C) by striking “nuclear defense” each
17 place it appears and inserting “atomic energy
18 defense”.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents at the beginning of the Atomic Energy Defense
21 Act is amended by striking the item relating to sec-
22 tion 4505 and inserting the following new item:

“Sec. 4505. Notice to congressional committees of certain security and counter-
intelligence failures within atomic energy defense programs.”.

23 (n) COUNTERINTELLIGENCE REPORT.—

1 (1) IN GENERAL.—Section 4507 of the Atomic
2 Energy Defense Act (50 U.S.C. 2658) is amended—

3 (A) in the heading, by striking “**NA-**
4 **TIONAL LABORATORIES**” and inserting “**NA-**
5 **TIONAL SECURITY LABORATORIES**”;

6 (B) in subsection (a), by striking “national
7 laboratories” and inserting “national security
8 laboratories”;

9 (C) in subsection (b), by striking “national
10 laboratory” and inserting “national security
11 laboratory”; and

12 (D) by striking subsection (c).

13 (2) CLERICAL AMENDMENT.—The table of con-
14 tents at the beginning of the Atomic Energy Defense
15 Act is amended by striking the item relating to sec-
16 tion 4507 and inserting the following new item:

“Sec. 4507. Report on counterintelligence and security practices at national se-
curity laboratories.”.

17 (o) COMPUTER SECURITY REPORT.—

18 (1) IN GENERAL.—Section 4508 of the Atomic
19 Energy Defense Act (50 U.S.C. 2659)—

20 (A) in the heading, by striking “**NA-**
21 **TIONAL LABORATORY**” and inserting “**NA-**
22 **TIONAL SECURITY LABORATORY**”;

23 (B) in subsection (a) and (b), by striking
24 “national laboratories” each place it appears

1 and inserting “national security laboratories”;

2 and

3 (C) by striking subsections (e) and (f).

4 (2) CLERICAL AMENDMENT.—The table of con-
5 tents at the beginning of the Atomic Energy Defense
6 Act is amended by striking the item relating to sec-
7 tion 4508 and inserting the following new item:

“Sec. 4508. Report on security vulnerabilities of national security laboratory
computers.”.

8 (p) DOCUMENT REVIEW.—Section 4521 of the Atom-
9 ic Energy Defense Act (50 U.S.C. 2671) is amended by
10 striking subsection (c).

11 (q) REPORTS ON LOCAL IMPACT ASSISTANCE.—

12 (1) IN GENERAL.—Section 4604(f) of the
13 Atomic Energy Defense Act (50 U.S.C. 2704(f)) is
14 amended by adding at the end the following new
15 paragraph:

16 “(3) In addition to the plans submitted under para-
17 graph (1), the Secretary shall submit to Congress every
18 six months a report setting forth a description of, and the
19 amount or value of, all local impact assistance provided
20 during the preceding six months under subsection (c)(6).”.

21 (2) CONFORMING AMENDMENT.—Section 4851
22 of the Atomic Energy Defense Act (50 U.S.C. 2821)
23 is repealed.

1 (3) CLERICAL AMENDMENT.—The table of con-
2 tents at the beginning of the Atomic Energy Defense
3 Act is amended by striking the item relating to sec-
4 tion 4851.

5 (r) RECRUITMENT AND TRAINING.—Section 4622 of
6 the Atomic Energy Defense Act (50 U.S.C. 2722) is
7 amended—

8 (1) in subsection (b)—

9 (A) by striking “(1) As part of” and in-
10 serting “As part of”; and

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

12 (2) by striking subsection (d).

13 (s) FELLOWSHIP PROGRAM.—

14 (1) IN GENERAL.—Section 4623 of the Atomic
15 Energy Defense Act (50 U.S.C. 2723) is amended—

16 (A) in the heading, by striking “**DEPART-**
17 **MENT OF ENERGY NUCLEAR WEAPONS**
18 **COMPLEX**” and inserting “**NUCLEAR SECU-**
19 **RITY ENTERPRISE**”;

20 (B) in subsection (a), by striking “Depart-
21 ment of Energy nuclear weapons complex” each
22 place it appears and inserting “nuclear security
23 enterprise”;

24 (C) in subsection (c), by striking “fol-
25 lowing” and all that follows through the period

1 at the end and inserting “national security lab-
2 oratories and nuclear weapons production facili-
3 ties.”; and

4 (D) in subsection (f)(2), by striking “the
5 Department of Energy for” and inserting “the
6 nuclear security enterprise for”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents at the beginning of the Atomic Energy Defense
9 Act is amended by striking the item relating to sec-
10 tion 4623 and inserting the following new item:

“Sec. 4623. Fellowship program for development of skills critical to the nuclear
security enterprise.”.

11 (t) COST OVERRUNS.—Section 4713(a)(1)(A) of the
12 Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is
13 amended—

14 (1) by striking “for Nuclear Security”; and

15 (2) by striking “National Nuclear Security”.

16 (u) BUDGET REQUEST.—

17 (1) IN GENERAL.—Section 4731 of the Atomic
18 Energy Defense Act (50 U.S.C. 2771) is repealed.

19 (2) CLERICAL AMENDMENT.—The table of con-
20 tents at the beginning of the Atomic Energy Defense
21 Act is amended by striking the item relating to sec-
22 tion 4731.

1 (v) CONTRACTOR BONUSES.—Section 4802 of the
2 Atomic Energy Defense Act (50 U.S.C. 2782) is amend-
3 ed—

4 (2) by striking subsection (b); and

5 (3) by redesignating subsections (c) and (d) as
6 subsections (b) and (c), respectively.

7 (w) FUNDS FOR RESEARCH AND DEVELOPMENT.—
8 Section 4812 of the Atomic Energy Defense Act (50
9 U.S.C. 2792) is amended—

10 (1) by striking subsections (b) through (d); and

11 (2) by redesignating subsection (e) as sub-
12 section (b).

13 (x) TECHNOLOGY PARTNERSHIPS.—Section 4813(c)
14 of the Atomic Energy Defense Act (50 U.S.C. 2794(e))
15 is amended by striking paragraph (5).

16 (y) UNIVERSITY COLLABORATION.—Section 4814 of
17 the Atomic Energy Defense Act (50 U.S.C. 2795) is
18 amended by striking subsection (c).

19 (z) ENGINEERING AND MANUFACTURING RE-
20 SEARCH.—Section 4832 of the Atomic Energy Defense
21 Act (50 U.S.C. 2812) is amended—

22 (1) in subsection (b), by striking “nuclear
23 weapons complex” and inserting “nuclear security
24 enterprise”; and

25 (2) by striking subsections (c) through (e).

1 (aa) PILOT PROGRAM REPORT.—Section 4833 of the
2 Atomic Energy Defense Act (50 U.S.C. 2813) is amended
3 by striking subsection (e).

4 (bb) TECHNICAL AMENDMENTS.—

5 (1) IN GENERAL.—The Atomic Energy Defense
6 Act (50 U.S.C. 2501 et seq.) is amended as follows:

7 (A) In section 4604(g)(3) (50 U.S.C.
8 2704(g)(3)), by striking “; the Pinnellas Plant,
9 Florida;”.

10 (B) In the heading of section 4852 (50
11 U.S.C. 2822), by striking “**NEVADA TEST**
12 **SITE**” and inserting “**NEVADA NATIONAL SE-**
13 **CURITY SITE**”.

14 (C) By striking “Nevada Test Site” each
15 place it appears and inserting “Nevada Na-
16 tional Security Site”.

17 (D) By striking “Director of Central Intel-
18 ligence” each place it appears and inserting
19 “Director of National Intelligence”.

20 (2) CLERICAL AMENDMENT.—The table of con-
21 tents at the beginning of the Atomic Energy Defense
22 Act is further amended by striking the item relating
23 to section 4852 and inserting the following new
24 item:

“Sec. 4852. Payment of costs of operation and maintenance of infrastructure
at Nevada National Security Site.”.

1 **SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR**
2 **SECURITY ADMINISTRATION ACT.**

3 (a) NUCLEAR SECURITY ENTERPRISE REF-
4 ERENCE.—

5 (1) FUTURE-YEARS NUCLEAR SECURITY PRO-
6 GRAM.—Section 3253(b) of the National Nuclear Se-
7 curity Administration Act (50 U.S.C. 2453(b)) is
8 amended by striking “nuclear weapons complex”
9 each place it appears and inserting “nuclear security
10 enterprise”.

11 (2) GAO REPORTS.—Section 3255 of the Na-
12 tional Nuclear Security Administration Act (50
13 U.S.C. 2455) is amended—

14 (A) in subsection (a), by striking “nuclear
15 security complex” each place it appears and in-
16 serting “nuclear security enterprise”; and

17 (B) in subsection (b), by striking para-
18 graph (3).

19 (3) DEFINITION.—Section 3281 of the National
20 Nuclear Security Administration Act (50 U.S.C.
21 2471) is amended by adding at the end the following
22 new paragraph:

23 “(6) The term ‘nuclear security enterprise’
24 means the physical facilities, technology, and human
25 capital of the national security laboratories and the
26 nuclear weapons production facilities.”.

1 (b) TRANSFER OF FUNCTIONS.—

2 (1) FUNDS AND PERSONNEL.—Section 3291 of
3 the National Nuclear Security Administration Act
4 (50 U.S.C. 2481) is amended—

5 (A) in subsection (c), by striking “specified
6 in subsection (a)” and inserting “of the Admin-
7 istration”; and

8 (B) by adding at the end the following new
9 subsections:

10 “(d) TRANSFER OF FUNDS.—(1) Any balance of ap-
11 propriations that the Secretary of Energy determines is
12 available and needed to finance or discharge a function,
13 power, or duty or an activity that is transferred to the
14 Administration shall be transferred to the Administration
15 and used for any purpose for which those appropriations
16 were originally available. Balances of appropriations so
17 transferred shall—

18 “(A) be credited to any applicable appropriation
19 account of the Administration; or

20 “(B) be credited to a new account that may be
21 established on the books of the Department of the
22 Treasury;

23 and shall be merged with the funds already credited
24 to that account and accounted for as one fund.

1 “(2) Balances of appropriations credited to an ac-
2 count under paragraph (1)(A) are subject only to such
3 limitations as are specifically applicable to that account.
4 Balances of appropriations credited to an account under
5 paragraph (1)(B) are subject only to such limitations as
6 are applicable to the appropriations from which they are
7 transferred.

8 “(e) PERSONNEL.—(1) With respect to any function,
9 power, or duty or activity of the Department of Energy
10 that is transferred to the Administration, those employees
11 of the element of the Department of Energy from which
12 the transfer is made that the Secretary of Energy deter-
13 mines are needed to perform that function, power, or duty,
14 or for that activity, as the case may be, shall be trans-
15 ferred to the Administration.

16 “(2) The authorized strength in civilian employees of
17 any element of the Department of Energy from which em-
18 ployees are transferred under this section is reduced by
19 the number of employees so transferred.”.

20 (2) APPLICABILITY OF EXISTING LAWS AND
21 REGULATIONS.—Section 3296 of the National Nu-
22 clear Security Administration Act (50 U.S.C. 2484)
23 is amended to read as follows:

1 **“SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND**
2 **REGULATIONS.**

3 “With respect to any facility, mission, or function of
4 the Department of Energy that the Secretary of Energy
5 transfers to the Administrator under section 3291, unless
6 otherwise provided in this title, all provisions of law and
7 regulations in effect immediately before the date of the
8 transfer that are applicable to such facility, mission, or
9 function shall continue to apply to the corresponding func-
10 tions of the Administration.”.

11 (3) **RULE OF CONSTRUCTION.**—Nothing in sec-
12 tion 3291 of the National Nuclear Security Adminis-
13 tration Act (50 U.S.C. 2481), as amended by para-
14 graph (1), may be construed to affect any function
15 or activity transferred by the Secretary of Energy to
16 the Administrator for Nuclear Security before the
17 date of the enactment of this Act.

18 (c) **REPEAL OF EXPIRED PROVISIONS.**—

19 (1) **IN GENERAL.**—The following sections of the
20 National Nuclear Security Administration Act (50
21 U.S.C. 2401 et seq.) are repealed:

22 (A) Section 3242 (50 U.S.C. 2442).

23 (B) Section 3292 (50 U.S.C. 2482).

24 (C) Section 3295 (50 U.S.C. 2483).

25 (D) Section 3297 (50 U.S.C. 2401 note).

1 (2) CLERICAL AMENDMENTS.—The table of
2 contents at the beginning of the National Nuclear
3 Security Administration Act is amended by striking
4 the items relating to sections 3242, 3292, 3295, and
5 3297.

6 (d) TECHNICAL AMENDMENTS TO THE NNSA
7 ACT.—The National Nuclear Security Administration Act
8 (50 U.S.C. 2401 et seq.) is amended as follows:

9 (1) In section 3212(a)(2) (50 U.S.C.
10 2402(a)(2)), by striking “as added by section 3202
11 of this Act,”.

12 (2) In section 3253(b)(3) (50 U.S.C.
13 2453(b)(3)), by striking “section 3158 of the Strom
14 Thurmond National Defense Authorization Act for
15 Fiscal Year 1999 (42 U.S.C. 2121 note)” and in-
16 serting “section 4202(a) of the Atomic Energy De-
17 fense Act (50 U.S.C. 2522(a))”.

18 (3) In section 3281(2) (50 U.S.C. 2471(2))—

19 (A) in subparagraph (C), by striking “Y-
20 12 Plant” and inserting “Y-12 National Secu-
21 rity Complex”; and

22 (B) in subparagraph (D), by striking “trit-
23 ium operations facilities at the”.

1 (4) By striking “Nevada Test Site” each place
2 it appears and inserting “Nevada National Security
3 Site”.

4 (e) TECHNICAL AMENDMENT TO THE DOE ORGANI-
5 ZATION ACT.—Section 643 of the Department of Energy
6 Organization Act (42 U.S.C. 7253) is amended by redesi-
7 gnating the second subsection (b) as subsection (c).

8 **SEC. 3133. CONSOLIDATED REPORTING REQUIREMENTS**
9 **RELATING TO NUCLEAR STOCKPILE STEW-**
10 **ARDSHIP, MANAGEMENT, AND INFRASTRUC-**
11 **TURE.**

12 (a) CONSOLIDATED PLAN FOR STEWARDSHIP, MAN-
13 AGEMENT, AND CERTIFICATION OF WARHEADS IN THE
14 NUCLEAR WEAPONS STOCKPILE.—

15 (1) IN GENERAL.—Section 4203 of the Atomic
16 Energy Defense Act (50 U.S.C. 2523) is amended to
17 read as follows:

18 **“SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP,**
19 **MANAGEMENT, AND INFRASTRUCTURE PLAN.**

20 “(a) PLAN REQUIREMENT.—The Administrator, in
21 consultation with the Secretary of Defense and other ap-
22 propriate officials of the departments and agencies of the
23 Federal Government, shall develop and annually update
24 a plan for sustaining the nuclear weapons stockpile. The
25 plan shall cover, at a minimum, stockpile stewardship,

1 stockpile management, stockpile surveillance, program di-
2 rection, infrastructure modernization, human capital, and
3 nuclear test readiness. The plan shall be consistent with
4 the programmatic and technical requirements of the most
5 recent annual Nuclear Weapons Stockpile Memorandum.

6 “(b) SUBMISSIONS TO CONGRESS.—(1) In accord-
7 ance with subsection (c), not later than March 15 of each
8 even-numbered year, the Administrator shall submit to the
9 congressional defense committees a summary of the plan
10 developed under subsection (a).

11 “(2) In accordance with subsection (d), not later than
12 March 15 of each odd-numbered year, the Administrator
13 shall submit to the congressional defense committees a de-
14 tailed report on the plan developed under subsection (a).

15 “(3) The summaries and reports required by this sub-
16 section shall be submitted in unclassified form, but may
17 include a classified annex.

18 “(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—
19 Each summary of the plan submitted under subsection
20 (b)(1) shall include, at a minimum, the following:

21 “(1) A summary of the status of the nuclear
22 weapons stockpile, including the number and age of
23 warheads (including both active and inactive) for
24 each warhead type.

1 “(2) A summary of the status, plans, budgets,
2 and schedules for warhead life extension programs
3 and any other programs to modify, update, or re-
4 place warhead types.

5 “(3) A summary of the methods and informa-
6 tion used to determine that the nuclear weapons
7 stockpile is safe and reliable, as well as the relation-
8 ship of science-based tools to the collection and in-
9 terpretation of such information.

10 “(4) A summary of the status of the nuclear se-
11 curity enterprise, including programs and plans for
12 infrastructure modernization and retention of human
13 capital, as well as associated budgets and schedules.

14 “(5) Identification of any modifications or up-
15 dates to the plan since the previous summary or de-
16 tailed report was submitted under subsection (b).

17 “(6) Such other information as the Adminis-
18 trator considers appropriate.

19 “(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—
20 Each detailed report on the plan submitted under sub-
21 section (b)(2) shall include, at a minimum, the following:

22 “(1) With respect to stockpile stewardship and
23 management—

24 “(A) the status of the nuclear weapons
25 stockpile, including the number and age of war-

1 heads (including both active and inactive) for
2 each warhead type;

3 “(B) for each five-year period occurring
4 during the period beginning on the date of the
5 report and ending on the date that is 20 years
6 after the date of the report—

7 “(i) the planned number of nuclear
8 warheads (including active and inactive)
9 for each warhead type in the nuclear weap-
10 ons stockpile; and

11 “(ii) the past and projected future
12 total lifecycle cost of each type of nuclear
13 weapon;

14 “(C) the status, plans, budgets, and sched-
15 ules for warhead life extension programs and
16 any other programs to modify, update, or re-
17 place warhead types;

18 “(D) a description of the process by which
19 the Administrator assesses the lifetimes, and re-
20 quirements for life extension or replacement, of
21 the nuclear and non-nuclear components of the
22 warheads (including active and inactive war-
23 heads) in the nuclear weapons stockpile;

24 “(E) a description of the process used in
25 recertifying the safety, security, and reliability

1 of each warhead type in the nuclear weapons
2 stockpile;

3 “(F) any concerns of the Administrator
4 that would affect the ability of the Adminis-
5 trator to recertify the safety, security, or reli-
6 ability of warheads in the nuclear weapons
7 stockpile (including active and inactive war-
8 heads);

9 “(G) mechanisms to provide for the manu-
10 facture, maintenance, and modernization of
11 each warhead type in the nuclear weapons
12 stockpile, as needed;

13 “(H) mechanisms to expedite the collection
14 of information necessary for carrying out the
15 stockpile management program required by sec-
16 tion 4204, including information relating to the
17 aging of materials and components, new manu-
18 facturing techniques, and the replacement or
19 substitution of materials;

20 “(I) mechanisms to ensure the appropriate
21 assignment of roles and missions for each na-
22 tional security laboratory and nuclear weapons
23 production facility, including mechanisms for
24 allocation of workload, mechanisms to ensure
25 the carrying out of appropriate modernization

1 activities, and mechanisms to ensure the reten-
2 tion of skilled personnel;

3 “(J) mechanisms to ensure that each na-
4 tional security laboratory has full and complete
5 access to all weapons data to enable a rigorous
6 peer-review process to support the annual as-
7 sessment of the condition of the nuclear weap-
8 ons stockpile required under section 4205;

9 “(K) mechanisms for allocating funds for
10 activities under the stockpile management pro-
11 gram required by section 4204, including allo-
12 cations of funds by weapon type and facility;
13 and

14 “(L) for each of the five fiscal years fol-
15 lowing the fiscal year in which the report is
16 submitted, an identification of the funds needed
17 to carry out the program required under section
18 4204.

19 “(2) With respect to science-based tools—

20 “(A) a description of the information need-
21 ed to determine that the nuclear weapons stock-
22 pile is safe and reliable;

23 “(B) for each science-based tool used to
24 collect information described in subparagraph
25 (A), the relationship between such tool and

1 such information and the effectiveness of such
2 tool in providing such information based on the
3 criteria developed pursuant to section 4202(a);
4 and

5 “(C) the criteria developed under section
6 4202(a) (including any updates to such cri-
7 teria).

8 “(3) An assessment of the stockpile stewardship
9 program under section 4201 by the Administrator,
10 in consultation with the directors of the national se-
11 curity laboratories, which shall set forth—

12 “(A) an identification and description of—

13 “(i) any key technical challenges to
14 the stockpile stewardship program; and

15 “(ii) the strategies to address such
16 challenges without the use of nuclear test-
17 ing;

18 “(B) a strategy for using the science-based
19 tools (including advanced simulation and com-
20 puting capabilities) of each national security
21 laboratory to ensure that the nuclear weapons
22 stockpile is safe, secure, and reliable without
23 the use of nuclear testing;

24 “(C) an assessment of the science-based
25 tools (including advanced simulation and com-

1 puting capabilities) of each national security
2 laboratory that exist at the time of the assess-
3 ment compared with the science-based tools ex-
4 pected to exist during the period covered by the
5 future-years nuclear security program; and

6 “(D) an assessment of the core scientific
7 and technical competencies required to achieve
8 the objectives of the stockpile stewardship pro-
9 gram and other weapons activities and weap-
10 ons-related activities of the Administration, in-
11 cluding—

12 “(i) the number of scientists, engi-
13 neers, and technicians, by discipline, re-
14 quired to maintain such competencies; and

15 “(ii) a description of any shortage of
16 such individuals that exists at the time of
17 the assessment compared with any short-
18 age expected to exist during the period cov-
19 ered by the future-years nuclear security
20 program.

21 “(4) With respect to the nuclear security infra-
22 structure—

23 “(A) a description of the modernization
24 and refurbishment measures the Administrator

1 determines necessary to meet the requirements
2 prescribed in—

3 “(i) the national security strategy of
4 the United States as set forth in the most
5 recent national security strategy report of
6 the President under section 108 of the Na-
7 tional Security Act of 1947 (50 U.S.C.
8 404a) if such strategy has been submitted
9 as of the date of the plan;

10 “(ii) the most recent quadrennial de-
11 fense review if such strategy has not been
12 submitted as of the date of the plan; and

13 “(iii) the most recent Nuclear Posture
14 Review as of the date of the plan;

15 “(B) a schedule for implementing the
16 measures described under subparagraph (A)
17 during the 10-year period following the date of
18 the plan; and

19 “(C) the estimated levels of annual funds
20 the Administrator determines necessary to
21 carry out the measures described under sub-
22 paragraph (A), including a discussion of the cri-
23 teria, evidence, and strategies on which such es-
24 timated levels of annual funds are based.

1 “(5) With respect to the nuclear test readiness
2 of the United States—

3 “(A) an estimate of the period of time that
4 would be necessary for the Administrator to
5 conduct an underground test of a nuclear weap-
6 on once directed by the President to conduct
7 such a test;

8 “(B) a description of the level of test read-
9 iness that the Administrator, in consultation
10 with the Secretary of Defense, determines to be
11 appropriate;

12 “(C) a list and description of the workforce
13 skills and capabilities that are essential to car-
14 rying out an underground nuclear test at the
15 Nevada National Security Site;

16 “(D) a list and description of the infra-
17 structure and physical plants that are essential
18 to carrying out an underground nuclear test at
19 the Nevada National Security Site; and

20 “(E) an assessment of the readiness status
21 of the skills and capabilities described in sub-
22 paragraph (C) and the infrastructure and phys-
23 ical plants described in subparagraph (D).

1 “(6) Identification of any modifications or up-
2 dates to the plan since the previous summary or de-
3 tailed report was submitted under subsection (b).

4 “(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—

5 (1) For each detailed report on the plan submitted under
6 subsection (b)(2), the Nuclear Weapons Council estab-
7 lished by section 179 of title 10, United States Code, shall
8 conduct an assessment that includes the following:

9 “(A) An analysis of the plan, including—

10 “(i) whether the plan supports the require-
11 ments of the national security strategy of the
12 United States or the most recent quadrennial
13 defense review, as applicable under subsection
14 (d)(4)(A), and the Nuclear Posture Review; and

15 “(ii) whether the modernization and refur-
16 bishment measures described under subpara-
17 graph (A) of subsection (d)(4) and the schedule
18 described under subparagraph (B) of such sub-
19 section are adequate to support such require-
20 ments.

21 “(B) An analysis of whether the plan ade-
22 quately addresses the requirements for infrastruc-
23 ture recapitalization of the facilities of the nuclear
24 security enterprise.

1 “(C) If the Nuclear Weapons Council deter-
2 mines that the plan does not adequately support
3 modernization and refurbishment requirements
4 under subparagraph (A) or the nuclear security en-
5 terprise facilities infrastructure recapitalization re-
6 quirements under subparagraph (B), a risk assess-
7 ment with respect to—

8 “(i) supporting the annual certification of
9 the nuclear weapons stockpile; and

10 “(ii) maintaining the long-term safety, se-
11 curity, and reliability of the nuclear weapons
12 stockpile.

13 “(2) Not later than 180 days after the date on which
14 the Administrator submits the plan under subsection
15 (b)(2), the Nuclear Weapons Council shall submit to the
16 congressional defense committees a report detailing the as-
17 sessment required under paragraph (1).

18 “(f) DEFINITIONS.—In this section:

19 “(1) The term ‘budget’, with respect to a fiscal
20 year, means the budget for that fiscal year that is
21 submitted to Congress by the President under sec-
22 tion 1105(a) of title 31, United States Code.

23 “(2) The term ‘future-years nuclear security
24 program’ means the program required by section

1 3253 of the National Nuclear Security Administra-
2 tion Act (50 U.S.C. 2453).

3 “(3) The term ‘nuclear security budget mate-
4 rials’, with respect to a fiscal year, means the mate-
5 rials submitted to Congress by the Administrator in
6 support of the budget for that fiscal year.

7 “(4) The term ‘quadrennial defense review’
8 means the review of the defense programs and poli-
9 cies of the United States that is carried out every
10 four years under section 118 of title 10, United
11 States Code.

12 “(5) The term ‘weapons activities’ means each
13 activity within the budget category of weapons ac-
14 tivities in the budget of the Administration.

15 “(6) The term ‘weapons-related activities’
16 means each activity under the Department of En-
17 ergy that involves nuclear weapons, nuclear weapons
18 technology, or fissile or radioactive materials, includ-
19 ing activities related to—

20 “(A) nuclear nonproliferation;

21 “(B) nuclear forensics;

22 “(C) nuclear intelligence;

23 “(D) nuclear safety; and

24 “(E) nuclear incident response.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents at the beginning of the Atomic Energy Defense
3 Act is amended by striking the item relating to sec-
4 tion 4203 and inserting the following new item:

 “Sec. 4203. Nuclear weapons stockpile stewardship, management, and infra-
 structure plan.”.

5 (b) REPEAL OF REQUIREMENT FOR BIENNIAL RE-
6 PORT ON STOCKPILE STEWARDSHIP CRITERIA.—

7 (1) IN GENERAL.—Section 4202 of the Atomic
8 Energy Defense Act (50 U.S.C. 2522) is amended
9 by striking subsections (c) and (d).

10 (2) TECHNICAL AMENDMENT.—The heading of
11 such section is amended to read as follows:
12 “**STOCKPILE STEWARDSHIP CRITERIA**”.

13 (3) CLERICAL AMENDMENT.—The table of con-
14 tents at the beginning of the Atomic Energy Defense
15 Act is amended by striking the item relating to sec-
16 tion 4202 and inserting the following new item:

 “Sec. 4202. Stockpile stewardship criteria.”.

17 (c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN
18 ON MODERNIZATION AND REFURBISHMENT OF THE NU-
19 CLEAR SECURITY COMPLEX.—

20 (1) IN GENERAL.—Section 4203A of the Atom-
21 ic Energy Defense Act (50 U.S.C. 2523A) is re-
22 pealed.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents for the Atomic Energy Defense Act is amended
3 by striking the item relating to section 4203A.

4 (d) REPEAL OF REQUIREMENT FOR ANNUAL UP-
5 DATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—
6 Section 4204 of the Atomic Energy Defense Act (50
7 U.S.C. 2524) is amended—

8 (1) in subsection (b)(2)(B), by striking “nuclear
9 complex” and inserting “nuclear security enter-
10 prise”;

11 (2) by striking subsections (c) and (d); and

12 (3) by redesignating subsection (e) as sub-
13 section (c).

14 (e) REPEAL OF REQUIREMENT FOR REPORTS ON NU-
15 CLEAR TEST READINESS.—

16 (1) AEDA.—

17 (A) IN GENERAL.—Section 4208 of the
18 Atomic Energy Defense Act (50 U.S.C. 2528)
19 is repealed.

20 (B) CLERICAL AMENDMENT.—The table of
21 contents for the Atomic Energy Defense Act is
22 amended by striking the item relating to section
23 4208.

24 (2) NDAA FISCAL YEAR 1996.—Section 3152 of
25 the National Defense Authorization Act for Fiscal

1 Year 1996 (Public Law 104–106; 110 Stat. 623) is
2 repealed.

3 **SEC. 3134. REPEAL OF CERTAIN REPORTING REQUIRE-**
4 **MENTS.**

5 (a) GAO ENVIRONMENTAL MANAGEMENT RE-
6 PORTS.—Section 3134 of the National Defense Authoriza-
7 tion Act for Fiscal Year 2010 (Public Law 111–84; 123
8 Stat. 2713) is amended—

9 (1) in subsection (c)—

10 (A) in paragraph (1), by striking “The
11 Comptroller” and all that follows through
12 “(2),” and inserting “Beginning on the date on
13 which the report under subsection (b)(2) is sub-
14 mitted, the Comptroller General shall conduct a
15 review”;

16 (B) by striking paragraph (2);

17 (C) by redesignating paragraph (3) as
18 paragraph (2); and

19 (D) in paragraph (2), as so redesignated,
20 by striking “the end of the period described in
21 paragraph (2)” and inserting “August 30,
22 2012”; and

23 (2) in subsection (d)—

1 (A) in paragraph (1), by striking “sub-
2 section (c)(3)” and inserting “subsection
3 (c)(2)”; and

4 (B) in paragraph (2), by striking “90
5 days” and all that follows through “(c)(3)” and
6 inserting “April 30, 2016, or the date that is
7 210 days after the date on which the Secretary
8 of Energy notifies the Comptroller General that
9 all American Recovery and Reinvestment Act
10 funds have been expended, whichever is ear-
11 lier”.

12 (b) WORKFORCE RESTRUCTURING PLAN UP-
13 DATES.—

14 (1) IN GENERAL.—Section 4604 of the Atomic
15 Energy Defense Act (50 U.S.C. 2704), as amended
16 by section 3131(q), is amended—

17 (A) in subsection (b)(1), by striking “and
18 any updates of the plan under subsection (e)”;

19 (B) by striking subsection (e);

20 (C) in subsection (f)—

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

22 (ii) by redesignating paragraph (3), as
23 added by such section 3131(q), as para-
24 graph (2); and

1 (D) by redesignating subsections (f) and
2 (g) as subsections (e) and (f), respectively.

3 (2) CONFORMING AMENDMENT.—Section
4 4643(d)(1) of the Atomic Energy Defense Act (50
5 U.S.C. 2733(d)(1)) is amended by striking “section
6 4604(g)” and inserting “section 4604(f)”.

7 (c) UNCLASSIFIED CONTROLLED NUCLEAR INFOR-
8 MATION QUARTERLY REPORT.—Section 148 of the Atom-
9 ic Energy Act of 1954 (42 U.S.C. 2168) is amended by
10 striking subsection e.

11 **Subtitle D—Reports**

12 **SEC. 3141. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

13 (a) PROTOTYPES.—Subtitle A of title XLII of the
14 Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is
15 amended by inserting after section 4215, as added by sec-
16 tion 3114(a)(1), the following new section:

17 **“SEC. 4216. REPORTS ON LIFETIME EXTENSION PROGRAMS.**

18 “(a) REPORTS REQUIRED.—Before proceeding be-
19 yond phase 6.2 activities with respect to any lifetime ex-
20 tension program, the Nuclear Weapons Council estab-
21 lished by section 179 of title 10, United States Code, shall
22 submit to the congressional defense committees a report
23 on such phase 6.2 activities, including—

24 “(1) an assessment of the lifetime extension op-
25 tions considered for the phase 6.2 activities, includ-

1 ing whether the subsystems and components in each
2 option are considered to be a refurbishment, reuse,
3 or replacement of such subsystem or component; and

4 “(2) an assessment of the option selected for
5 the phase 6.2 activities, including—

6 “(A) whether the subsystems and compo-
7 nents will be refurbished, reused, or replaced;
8 and

9 “(B) the advantages and disadvantages of
10 refurbishment, reuse, and replacement for each
11 such subsystem and component.

12 “(b) PHASE 6.2 ACTIVITIES DEFINED.—In this sec-
13 tion, the term ‘phase 6.2 activities’ means, with respect
14 to a lifetime extension program, the phase 6.2 feasibility
15 study and option down-select.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 at the beginning of such Act is amended by inserting after
18 the item relating to section 4215, as added by section
19 3114(a)(2), the following new item:

 “Sec. 4216. Reports on lifetime extension programs.”.

20 **SEC. 3142. NOTIFICATION OF NUCLEAR CRITICALITY AND**
21 **NON-NUCLEAR INCIDENTS.**

22 (a) NOTIFICATION.—

23 (1) IN GENERAL.—Subtitle C of title XLVI of
24 the Atomic Energy Defense Act (50 U.S.C. 2731 et

1 seq.), as amended by section 3161(a), is amended by
2 adding at the end the following new section:

3 **“SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND**
4 **NON-NUCLEAR INCIDENTS.**

5 “(a) NOTIFICATION.—The Secretary of Energy and
6 the Administrator, as the case may be, shall submit to
7 the appropriate congressional committees a notification of
8 a nuclear criticality incident resulting from a covered pro-
9 gram that results in an injury or fatality or results in the
10 shutdown, or partial shutdown, of a covered facility by not
11 later than 15 days after the date of such incident.

12 “(b) ELEMENTS OF NOTIFICATION.—Each notifica-
13 tion submitted under subsection (a) shall include the fol-
14 lowing:

15 “(1) A description of the incident, including the
16 cause of the incident.

17 “(2) In the case of a criticality incident, wheth-
18 er the incident caused a facility, or part of a facility,
19 to be shut down.

20 “(3) The effect, if any, on the mission of the
21 Administration or the Office of Environmental Man-
22 agement of the Department of Energy.

23 “(4) Any corrective action taken in response to
24 the incident.

1 “(c) DATABASE.—(1) The Secretary shall maintain
2 a record of incidents described in paragraph (2).

3 “(2) An incident described in this paragraph is any
4 of the following incidents resulting from a covered pro-
5 gram:

6 “(A) A nuclear criticality incident that results
7 in an injury or fatality or results in the shutdown,
8 or partial shutdown, of a covered facility.

9 “(B) A non-nuclear incident that results in seri-
10 ous bodily injury or fatality at a covered facility.

11 “(d) COOPERATION.—In carrying out this section,
12 the Secretary and the Administrator shall ensure that
13 each management and operating contractor of a covered
14 facility cooperates in a timely manner.

15 “(e) DEFINITIONS.—In this section:

16 “(1) The term ‘appropriate congressional com-
17 mittees’ means—

18 “(A) the congressional defense committees;

19 and

20 “(B) the Committee on Energy and Com-
21 merce of the House of Representatives and the
22 Committee on Energy and Natural Resources of
23 the Senate.

24 “(2) The term ‘covered facility’ means—

1 “(A) a facility of the nuclear security en-
2 terprise; and

3 “(B) a facility conducting activities for the
4 defense environmental cleanup program of the
5 Office of Environmental Management of the
6 Department of Energy.

7 “(3) The term ‘covered program’ means—

8 “(A) programs of the Administration; and

9 “(B) defense environmental cleanup pro-
10 grams of the Office of Environmental Manage-
11 ment of the Department of Energy.”.

12 (2) CLERICAL AMENDMENT.—The table of con-
13 tents at the beginning of such Act is amended by in-
14 serting after the item relating to section 4645, as
15 added by section 3161(b), the following new item:

“Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.”.

16 (b) REPORT.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the date of the enactment of this Act, the Secretary
19 of Energy and the Administrator for Nuclear Secu-
20 rity shall each submit to the appropriate congress-
21 sional committees a report detailing any incidents
22 described in paragraph (2) that occurred during the
23 10-year period before the date of the report.

24 (2) INCIDENTS DESCRIBED.—An incident de-
25 scribed in this paragraph is any of the following inci-

1 dents that occurred as a result of programs of the
2 National Nuclear Security Administration or defense
3 environmental cleanup programs of the Office of En-
4 vironmental Management of the Department of En-
5 ergy:

6 (A) A nuclear criticality incident that re-
7 sulted in an injury or fatality or resulted in the
8 shutdown, or partial shutdown, of a facility of
9 the nuclear security enterprise or a facility con-
10 ducting activities for such defense environ-
11 mental cleanup programs.

12 (B) A non-nuclear incident that results in
13 serious bodily injury or fatality at such a facil-
14 ity.

15 (3) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES DEFINED.—In this subsection, the term “ap-
17 propriate congressional committees” means—

18 (A) the congressional defense committees;

19 and

20 (B) the Committee on Energy and Com-
21 merce of the House of Representatives and the
22 Committee on Energy and Natural Resources of
23 the Senate.

1 **SEC. 3143. QUARTERLY REPORTS TO CONGRESS ON FINAN-**
2 **CIAL BALANCES FOR ATOMIC ENERGY DE-**
3 **FENSE ACTIVITIES.**

4 (a) REPORTS REQUIRED.—Subtitle C of title XLVII
5 of the Atomic Energy Defense Act (50 U.S.C. 2771 et
6 seq.) is amended by adding at the end the following new
7 section:

8 **“SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BAL-**
9 **ANCES FOR ATOMIC ENERGY DEFENSE AC-**
10 **TIVITIES.**

11 “(a) REPORTS REQUIRED.—Not later than 15 days
12 after the end of each fiscal year quarter, the Secretary
13 of Energy shall submit to the congressional defense com-
14 mittees a report on the financial balances for each atomic
15 energy defense program at the budget control levels used
16 in the report accompanying the most current Act appro-
17 priating funds for energy and water development.

18 “(b) ELEMENTS.—Each report under subsection (a)
19 shall set forth, for each program covered by such report,
20 the following as of the end of the fiscal year quarter cov-
21 ered by such report:

22 “(1) The total amount authorized to be appro-
23 priated, including amounts authorized to be appro-
24 priated in the current fiscal year and amounts au-
25 thORIZED to be appropriated for prior fiscal years.

26 “(2) The amount unobligated.

1 “(3) The amount unobligated but committed.

2 “(4) The amount obligated but uncosted.

3 “(c) PRESENTATION.—Each report under subsection
4 (a) shall present information as follows:

5 “(1) For each program, in summary form and
6 by fiscal year.

7 “(2) With financial balances in connection with
8 funding under recurring DOE national security au-
9 thorizations (as that term is defined in section
10 4701(1)) presented separately from balances in con-
11 nection with funding under any other provisions of
12 law.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 at the beginning of such Act is amended by inserting after
15 the item relating to section 4731, as in effect before the
16 amendment made by section 3131(u)(2) takes effect, the
17 following new item:

“Sec. 4732. Quarterly reports on financial balances for atomic energy defense
activities.”.

18 **SEC. 3144. NATIONAL ACADEMY OF SCIENCES STUDY ON**
19 **PEER REVIEW AND DESIGN COMPETITION**
20 **RELATED TO NUCLEAR WEAPONS.**

21 (a) STUDY.—Not later than 60 days after the date
22 of the enactment of this Act, the Administrator for Nu-
23 clear Security shall enter into an agreement with the Na-

1 tional Academy of Sciences to conduct a study of peer re-
2 view and design competition related to nuclear weapons.

3 (b) ELEMENTS.—The study required by subsection
4 (a) shall include an assessment of—

5 (1) the quality and effectiveness of peer review
6 of designs, development plans, engineering and sci-
7 entific activities, and priorities related to both nu-
8 clear and non-nuclear aspects of nuclear weapons;

9 (2) incentives for effective peer review;

10 (3) the potential effectiveness, efficiency, and
11 cost of alternative methods of conducting peer review
12 and design competition related to both nuclear and
13 non-nuclear aspects of nuclear weapons, as com-
14 pared to current methods;

15 (4) the known instances where current peer re-
16 view practices and design competition succeeded or
17 failed to find problems or potential problems; and

18 (5) such other matters related to peer review
19 and design competition related to nuclear weapons
20 as the Administrator considers appropriate.

21 (c) COOPERATION AND ACCESS TO INFORMATION
22 AND PERSONNEL.—The Administrator shall ensure that
23 the National Academy of Sciences receives full and timely
24 cooperation, including full access to information and per-
25 sonnel, from the National Nuclear Security Administra-

1 tion and the management and operating contractors of the
2 Administration for the purposes of conducting the study
3 under subsection (a).

4 (d) REPORT.—

5 (1) IN GENERAL.—The National Academy of
6 Sciences shall submit to the Administrator a report
7 containing the results of the study conducted under
8 subsection (a) and any recommendations resulting
9 from the study.

10 (2) SUBMITTAL TO CONGRESS.—Not later than
11 September 30, 2014, the Administrator shall submit
12 to the Committees on Armed Services of the House
13 of Representatives and the Senate the report sub-
14 mitted under paragraph (1) and any comments or
15 recommendations of the Administrator with respect
16 to the report.

17 (3) FORM.—The report submitted under para-
18 graph (1) shall be in unclassified form, but may in-
19 clude a classified annex.

20 **SEC. 3145. REPORT ON DEFENSE NUCLEAR NON-**
21 **PROLIFERATION PROGRAMS.**

22 (a) REPORT REQUIRED.—

23 (1) IN GENERAL.—Not later than March 1 of
24 each year from 2013 through 2015, the Adminis-
25 trator for Nuclear Security shall submit to the ap-

1 appropriate congressional committees a report on the
2 budget, objectives, and metrics of the defense nu-
3 clear nonproliferation programs of the National Nu-
4 clear Security Administration.

5 (2) ELEMENTS.—The report required by para-
6 graph (1) shall include the following:

7 (A) An identification and explanation of
8 uncommitted balances that are more than the
9 acceptable carryover thresholds, as determined
10 by the Secretary of Energy, on a program-by-
11 program basis.

12 (B) An identification of foreign countries
13 that are sharing the cost of implementing de-
14 fense nuclear nonproliferation programs, includ-
15 ing an explanation of such cost sharing.

16 (C) A description of objectives and meas-
17 urements for each defense nuclear nonprolifera-
18 tion program.

19 (D) A description of the proliferation of
20 nuclear weapons threat and how each defense
21 nuclear nonproliferation program activity
22 counters the threat.

23 (E) A description and assessment of non-
24 proliferation activities coordinated with the De-

1 partment of Defense to maximize efficiency and
2 avoid redundancies.

3 (F) A description of how the defense nu-
4 clear nonproliferation programs are prioritized
5 to meet the most urgent nonproliferation re-
6 quirements.

7 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term “appropriate con-
9 gressional committees” means—

10 (1) the Committee on Armed Services and the
11 Committee on Foreign Affairs of the House of Rep-
12 resentatives; and

13 (2) the Committee on Armed Services and the
14 Committee on Foreign Relations of the Senate.

15 (c) FORM.—The report required by subsection (a)(1)
16 shall be submitted in unclassified form, but may include
17 a classified annex.

18 **SEC. 3146. STUDY ON REUSE OF PLUTONIUM PITS.**

19 (a) STUDY.—Not later than 270 days after the date
20 of the enactment of this Act, the Administrator for Nu-
21 clear Security, in coordination with the Nuclear Weapons
22 Council established by section 179 of title 10, United
23 States Code, shall submit to the congressional defense
24 committees a study of plutonium pits, including—

25 (1) the availability of plutonium pits—

1 (A) as of the date of the report; and

2 (B) after such date as a result of the dis-
3 mantlement of nuclear weapons; and

4 (2) an assessment of the potential for reusing
5 plutonium pits in future life extension programs.

6 (b) MATTERS INCLUDED.—The study submitted
7 under subsection (a) shall include the following:

8 (1) The feasibility and practicability of potential
9 full or partial reuse options with respect to pluto-
10 nium pits.

11 (2) The benefits and risks of reusing plutonium
12 pits.

13 (3) A list of technical challenges that must be
14 resolved to certify aged plutonium under dynamic
15 loading conditions and the full stockpile-to-target se-
16 quence of weapons, including a program plan and
17 timeline for resolving such technical challenges and
18 an assessment of the importance of resolving out-
19 standing materials issues on certifying aged pluto-
20 nium pits.

21 (4) A list of the facilities that will perform the
22 testing and experiments required to resolve the tech-
23 nical challenges identified under paragraph (3).

24 (5) The potential costs and cost savings of such
25 reuse.

1 (6) The effects of such reuse on the require-
2 ments for plutonium pit manufacturing.

3 (7) An assessment of how such reuse affects
4 plans to build a responsive nuclear weapons infra-
5 structure.

6 **SEC. 3147. ASSESSMENT OF NUCLEAR WEAPON PIT PRO-**
7 **DUCTION REQUIREMENT.**

8 (a) **ASSESSMENT.**—The Secretary of Defense, in co-
9 ordination with the Secretary of Energy and the Com-
10 mander of the United States Strategic Command, shall
11 assess the annual plutonium pit production requirement
12 needed to sustain a safe, secure, and reliable nuclear
13 weapon arsenal.

14 (b) **REPORTS.**—

15 (1) **IN GENERAL.**—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense, in coordination with the Secretary
18 of Energy and the Commander of the United States
19 Strategic Command, shall submit to the congress-
20 sional defense committees a report regarding the as-
21 sessment conducted under subsection (a), includ-
22 ing—

23 (A) an explanation of the rationale and as-
24 sumptions that led to the current 50 to 80 plu-
25 tonium pit production requirement, including

1 the factors considered in determining such re-
2 quirement;

3 (B) an analysis of whether there are any
4 changes to the current 50 to 80 plutonium pit
5 production requirement, including the reasons
6 for any such changes;

7 (C) the cost and implications for national
8 security of various smaller and larger pit pro-
9 duction capacities, including with respect to—

10 (i) the ability to respond to geo-
11 political and technical risks;

12 (ii) the sustainment of the nuclear
13 weapons stockpile, including options avail-
14 able for life extension programs; and

15 (iii) impacts on the requirements for
16 the inactive and reserve nuclear weapons
17 stockpile.

18 (2) UPDATE.—If the report under paragraph
19 (1) does not incorporate the results of the Nuclear
20 Posture Review Implementation Study, the Sec-
21 retary of Defense, in coordination with the Secretary
22 of Energy and the Commander of the United States
23 Strategic Command, shall submit to the congress-
24 sional defense committees an update to the report
25 under paragraph (1) that incorporates the results of

1 such study by not later than 90 days after the date
2 on which such committees receive such study.

3 (c) FORM.—The reports under paragraphs (1) and
4 (2) of subsection (b) shall be submitted in unclassified
5 form, but may include a classified annex.

6 **SEC. 3148. STUDY ON A MULTIAGENCY GOVERNANCE**
7 **MODEL FOR NATIONAL SECURITY LABORA-**
8 **TORIES.**

9 (a) INDEPENDENT ASSESSMENT.—

10 (1) IN GENERAL.—The Administrator for Nu-
11 clear Security shall commission an independent as-
12 sessment regarding the transition of the national se-
13 curity laboratories to multiagency federally funded
14 research and development centers with direct
15 sustainment and sponsorship by multiple national
16 security agencies. The organization selected to con-
17 duct the independent assessment shall have recog-
18 nized credentials and expertise in national security
19 science and engineering laboratories.

20 (2) BACKGROUND MATERIAL.—The assessment
21 shall leverage previous studies, including—

22 (A) the report published in 2009 by the
23 Stimson Center titled “Leveraging Science for
24 Security: A Strategy for the Nuclear Weapons
25 Laboratories in the 21st Century”; and

1 (B) the Phase 1 report published in 2012
2 by the National Academy of Sciences titled
3 “Managing for High-Quality Science and Engi-
4 neering at the NNSA National Security labora-
5 tories”.

6 (3) ELEMENTS.—The assessment conducted
7 pursuant to paragraph (1) shall include the fol-
8 lowing elements:

9 (A) An assessment of a new governance
10 structure that—

11 (i) gives multiple national security
12 agencies, including the Department of De-
13 fense, the Department of Homeland Secu-
14 rity, the Department of Energy, and the
15 intelligence community, direct sponsorship
16 of the national security laboratories as fed-
17 erally funded research and development
18 centers so that such agencies have more di-
19 rect and rapid access to the assets avail-
20 able at the laboratories and the responsi-
21 bility to provide sustainable support for the
22 science and technology needs of the agen-
23 cies at the laboratories;

24 (ii) reduces costs to the Federal Gov-
25 ernment for the use of the resources of the

1 laboratories, while enhancing the steward-
2 ship of these national resources and maxi-
3 mizing their service to the Nation;

4 (iii) enhances the overall quality of
5 the scientific research and engineering ca-
6 pability of the laboratories, including their
7 ability to recruit and retain top scientists
8 and engineers; and

9 (iv) maintains as paramount the capa-
10 bilities required to support the nuclear
11 stockpile stewardship and related nuclear
12 missions.

13 (B) A recommendation as to which, if any,
14 other laboratories associated with any national
15 security agency should be included in the new
16 governance structure.

17 (C) Options for implementing the new gov-
18 ernance structure that minimize disruption of
19 performance and costs to the government while
20 rapidly achieving anticipated gains.

21 (D) Legislative changes and executive ac-
22 tions that would need to be made in order to
23 implement the new governance structure.

24 (b) REPORT.—

1 (b) PROCESS.—If the assessment of the Council in
2 the report under subsection (a) is that excess facilities or
3 duplicative functions exist and seeking efficiencies in the
4 facilities and functions of the Administration is feasible
5 and would reduce cost, the report shall include rec-
6 ommendations for a process to determine the manner in
7 which such efficiencies should be accomplished, including
8 an estimate of the time required to complete the process.

9 (c) LIMITATION ON AVAILABILITY OF CERTAIN
10 FUNDS PENDING REPORT.—Amounts authorized to be
11 appropriated by this title and available for the facility
12 projects in the Department of Energy Readiness and
13 Technical Base designated 04–D–125 and 06–D–141 may
14 not be obligated or expended for CD–3, Start of Construc-
15 tion (as found in Department of Energy Order 413.3 B
16 Program and Project Management for the Acquisition of
17 Capital Assets), until the submittal under subsection (a)
18 of the report required by that subsection.

19 **SEC. 3150. STUDY ON REGIONAL RADIOLOGICAL SECURITY**
20 **ZONES.**

21 (a) STUDY.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the
24 Comptroller General of the United States shall sub-

1 mit to the appropriate congressional committees a
2 study in accordance with paragraph (3).

3 (2) CONSULTATION.—The Comptroller General
4 may, in conducting the study required under para-
5 graph (1), consult with the Secretary of Energy, the
6 Secretary of Homeland Security, the Secretary of
7 State, the Nuclear Regulatory Commission, and such
8 other departments and agencies of the United States
9 Government as the Comptroller General considers
10 appropriate.

11 (3) MATTERS INCLUDED.—The study under
12 paragraph (1) shall include the following:

13 (A) An assessment of the radioactive iso-
14 topes and associated activity levels that present
15 the greatest risk to national and international
16 security.

17 (B) A review of current efforts by the Fed-
18 eral Government to secure radiological mate-
19 rials abroad, including coordination with foreign
20 governments, the European Union, the Inter-
21 national Atomic Energy Agency, other inter-
22 national programs, and nongovernmental orga-
23 nizations that identify, register, secure, remove,
24 and provide for the disposition of high-risk ra-
25 diological materials worldwide.

1 (C) A review of current efforts of the Fed-
2 eral Government to secure radiological mate-
3 rials domestically at civilian sites, including hos-
4 pitals, industrial sites, and other locations.

5 (D) A definition of regional radiological se-
6 curity zones, including the subset of the mate-
7 rials of concern to be the immediate focus and
8 the security best practices required to achieve
9 that goal.

10 (E) An assessment of the feasibility, cost,
11 desirability, and added benefit of establishing
12 regional radiological security zones in high pri-
13 ority areas worldwide in order to facilitate re-
14 gional collaboration in—

15 (i) identifying and inventorying high-
16 activity radiological sources at high-risk
17 sites;

18 (ii) reviewing national level regula-
19 tions, inspections, transportation security,
20 and security upgrade options; and

21 (iii) assessing opportunities for the
22 harmonization of regulations and security
23 practices among the nations of the region.

24 (F) An assessment of the feasibility, cost,
25 desirability, and added benefit of establishing

1 remote regional monitoring centers that would
2 receive real-time data from radiological security
3 sites, would be staffed by trained personnel
4 from the countries in the region, and would
5 alert local law enforcement in the event of a po-
6 tential or actual terrorist incident or other
7 emergency.

8 (G) An assessment of the feasibility and
9 cost of securing radiological materials in the
10 United States and through regional monitoring
11 centers, taking into account the threat and con-
12 sequences of a terrorist attack using fissile ma-
13 terials as compared to the threat and con-
14 sequences of a terrorist attack using radio-
15 logical materials.

16 (H) A list and assessment of the best prac-
17 tices used in the United States that are most
18 critical in enhancing domestic radiological mate-
19 rial security and could be used to enhance radi-
20 ological security worldwide.

21 (I) An assessment of the United States en-
22 tity or entities that would be best suited to lead
23 efforts to establish a radiological security zone
24 program.

1 (J) An estimate of the costs associated
2 with the implementation of a radiological secu-
3 rity zone program.

4 (K) An assessment of the known locations
5 outside the United States housing high-risk ra-
6 diological materials in excess of 1,000 curies.

7 (L) An assessment of how efforts to secure
8 radiological materials might impact the avail-
9 able resources, capabilities, and capacity of the
10 United States that would be used to secure
11 fissile materials.

12 (4) FORM.—The study required under para-
13 graph (1) shall be submitted in unclassified form,
14 but may include a classified annex.

15 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
16 DEFINED.—In this section, the term “appropriate con-
17 gressional committees” means—

18 (1) the Committee on Armed Services, the
19 Committee on Homeland Security and Governmental
20 Affairs, and the Committee on Foreign Relations of
21 the Senate; and

22 (2) the Committee on Armed Services, the
23 Committee on Homeland Security, and the Com-
24 mittee on Foreign Affairs of the House of Rep-
25 resentatives.

1 **SEC. 3151. REPORT ON ABANDONED URANIUM MINES.**

2 (a) REPORT.—

3 (1) IN GENERAL.—The Secretary of Energy, in
4 consultation with the Secretary of the Interior and
5 the Administrator of the Environmental Protection
6 Agency, shall undertake a review of, and prepare a
7 report on, abandoned uranium mines in the United
8 States that provided uranium ore for atomic energy
9 defense activities of the United States.

10 (2) MATTERS TO BE ADDRESSED.—The report
11 shall describe and analyze—

12 (A) the location of the abandoned uranium
13 mines described in paragraph (1) on Federal,
14 State, tribal, and private land, taking into ac-
15 count any existing inventories undertaken by
16 Federal agencies, States, and Indian tribes, and
17 any additional information available to the Sec-
18 retary;

19 (B) the extent to which the abandoned
20 uranium mines—

21 (i) pose, or may pose, a significant ra-
22 diation hazard or other significant threat
23 to public health and safety; and

24 (ii) have caused, or may cause, signifi-
25 cant water quality degradation or other en-
26 vironmental degradation;

1 (C) a ranking of priority by category for
2 the remediation and reclamation of the aban-
3 doned uranium mines;

4 (D) the potential cost and feasibility of re-
5 mediating and reclaiming, in accordance with
6 applicable Federal law, each category of aban-
7 doned uranium mines; and

8 (E) the status of any efforts to remediate
9 and reclaim abandoned uranium mines.

10 (b) CONSULTATION.—In preparing the report under
11 subsection (a), the Secretary shall consult with any other
12 relevant Federal agencies, affected States and Indian
13 tribes, and interested members of the public.

14 (c) REPORT TO CONGRESS.—

15 (1) IN GENERAL.—Not later than 18 months
16 after the date of the enactment of this Act, the Sec-
17 retary shall submit to the appropriate congressional
18 committees the report under subsection (a)(1).

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate congressional committees” means—

22 (A) the Committees on Armed Services of
23 the Senate and the House of Representatives;
24 and

1 (B) the Committee on Energy and Natural
2 Resources of the Senate, the Committee on En-
3 ergy and Commerce of the House of Represent-
4 atives, and the Committee on Natural Re-
5 sources of the House of Representatives.

6 (d) CONSTRUCTION.—Nothing in this section may be
7 construed to affect any responsibility or liability of the
8 Federal Government, a State, an Indian tribe, or a person
9 with respect to the remediation of an abandoned uranium
10 mine.

11 **Subtitle E—Other Matters**

12 **SEC. 3161. USE OF PROBABILISTIC RISK ASSESSMENT TO** 13 **ENSURE NUCLEAR SAFETY.**

14 (a) IN GENERAL.—Subtitle C of title XLVI of the
15 Atomic Energy Defense Act (50 U.S.C. 2731 et seq.) is
16 amended by adding at the end the following new section:

17 **“SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO**
18 **ENSURE NUCLEAR SAFETY OF FACILITIES OF**
19 **THE ADMINISTRATION AND THE OFFICE OF**
20 **ENVIRONMENTAL MANAGEMENT.**

21 “(a) NUCLEAR SAFETY AT NNSA AND DOE FACILI-
22 TIES.—The Administrator and the Secretary of Energy
23 shall ensure that the methods for assessing, certifying,
24 and overseeing nuclear safety at the facilities specified in
25 subsection (c) use national and international standards

1 and nuclear industry best practices, including probabilistic
2 or quantitative risk assessment if sufficient data exist.

3 “(b) ADEQUATE PROTECTION.—The use of prob-
4 abilistic or quantitative risk assessment under subsection
5 (a) shall be to support, rather than replace, the require-
6 ment under section 182 of the Atomic Energy Act of 1954
7 (42 U.S.C. 2232) that the utilization or production of spe-
8 cial nuclear material will be in accordance with the com-
9 mon defense and security and will provide adequate pro-
10 tection to the health and safety of the public.

11 “(c) FACILITIES SPECIFIED.—Subsection (a) shall
12 apply—

13 “(1) to the Administrator with respect to the
14 national security laboratories and the nuclear weap-
15 ons production facilities; and

16 “(2) to the Secretary of Energy with respect to
17 defense nuclear facilities of the Office of Environ-
18 mental Management of the Department of Energy.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
20 at the beginning of such Act is amended by inserting after
21 the item relating to section 4644 the following new item:

“Sec. 4645. Use of probabilistic risk assessment to ensure nuclear safety of fa-
cilities of the Administration and the Office of Environmental
Management.”.

1 **SEC. 3162. SUBMITTAL TO CONGRESS OF SELECTED ACQUI-**
2 **SITION REPORTS AND INDEPENDENT COST**
3 **ESTIMATES ON LIFE EXTENSION PROGRAMS**
4 **AND NEW NUCLEAR FACILITIES.**

5 (a) SUBMITTAL REQUIRED.—Subtitle A of title XLII
6 of the Atomic Energy Defense Act (50 U.S.C. 2521 et
7 seq.) is amended by inserting after section 4216, as added
8 by section 3141(a), the following new section:

9 **“SEC. 4217. SELECTED ACQUISITION REPORTS AND INDE-**
10 **PENDENT COST ESTIMATES ON LIFE EXTEN-**
11 **SION PROGRAMS AND NEW NUCLEAR FACILI-**
12 **TIES.**

13 “(a) SELECTED ACQUISITION REPORTS.—(1) At the
14 end of each fiscal-year quarter, the Secretary of Energy,
15 acting through the Administrator, shall submit to the con-
16 gressional defense committees a report on each nuclear
17 weapon system undergoing life extension. The reports
18 shall be known as Selected Acquisition Reports for the
19 weapon system concerned.

20 “(2) The information contained in the Selected Ac-
21 quisition Report for a fiscal-year quarter for a nuclear
22 weapon system shall be the information contained in the
23 Selected Acquisition Report for such fiscal-year quarter
24 for a major defense acquisition program under section
25 2432 of title 10, United States Code, expressed in terms
26 of the nuclear weapon system.

1 “(b) INDEPENDENT COST ESTIMATES.—(1) The Sec-
2 retary, acting through the Administrator, shall submit to
3 the congressional defense committees and the Nuclear
4 Weapons Council established under section 179 of title 10,
5 United States Code, an independent cost estimate of the
6 following:

7 “(A) Each nuclear weapon system undergoing
8 life extension at the completion of phase 6.2A, relat-
9 ing to design definition and cost study.

10 “(B) Each nuclear weapon system undergoing
11 life extension before initiation of phase 6.5, relating
12 to first production.

13 “(C) Each new nuclear facility within the nu-
14 clear security enterprise that is estimated to cost
15 more than \$500,000,000 before such facility
16 achieves critical decision 2 in the acquisition process.

17 “(2) A cost estimate for purposes of this subsection
18 may not be prepared by the Department of Energy or the
19 Administration.

20 “(c) AUTHORITY FOR FURTHER ASSESSMENTS.—
21 Upon the request of the Administrator, the Secretary of
22 Defense, acting through the Director of Cost Assessment
23 and Program Evaluation and in consultation with the Ad-
24 ministrator, may conduct an independent cost assessment

1 of any initiative or program of the Administration that
2 is estimated to cost more than \$500,000,000.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 at the beginning of such Act is amended by inserting after
5 the item relating to 4216, as added by section 3141(b),
6 the following new item:

“Sec. 4217. Selected Acquisition Reports and independent cost estimates on life
extension programs and new nuclear facilities.”.

7 **SEC. 3163. CLASSIFICATION OF CERTAIN RESTRICTED**
8 **DATA.**

9 Section 142 of the Atomic Energy Act of 1954 (42
10 U.S.C. 2162) is amended—

11 (1) in subsection d.—

12 (A) by inserting “(1)” before “The Com-
13 mission”; and

14 (B) by adding at the end the following:

15 “(2) The Commission may restore to the Restricted
16 Data category any information related to the design of nu-
17 clear weapons removed under paragraph (1) if the Com-
18 mission and the Department of Defense jointly determine
19 that—

20 “(A) the programmatic requirements that
21 caused the information to be removed from the Re-
22 stricted Data category are no longer applicable or
23 have diminished;

1 “(B) the information would be more appro-
2 priately protected as Restricted Data; and

3 “(C) restoring the information to the Restricted
4 Data category is in the interest of national security.

5 “(3) In carrying out paragraph (2), information re-
6 lated to the design of nuclear weapons shall be restored
7 to the Restricted Data category in accordance with regula-
8 tions prescribed for purposes of such paragraph.”; and

9 (2) in subsection e.—

10 (A) by inserting “(1)” before “The Com-
11 mission”;

12 (B) by striking “Central” and inserting
13 “National”; and

14 (C) by adding at the end the following:

15 “(2) The Commission may restore to the Restricted
16 Data category any information concerning atomic energy
17 programs of other nations removed under paragraph (1)
18 if the Commission and the Director of National Intel-
19 ligence jointly determine that—

20 “(A) the programmatic requirements that
21 caused the information to be removed from the Re-
22 stricted Data category are no longer applicable or
23 have diminished;

24 “(B) the information would be more appro-
25 priately protected as Restricted Data; and

1 “(C) restoring the information to the Restricted
2 Data category is in the interest of national security.

3 “(3) In carrying out paragraph (2), information con-
4 cerning atomic energy programs of other nations shall be
5 restored to the Restricted Data category in accordance
6 with regulations prescribed for purposes of such para-
7 graph.”.

8 **SEC. 3164. ADVICE TO PRESIDENT AND CONGRESS REGARD-**
9 **ING SAFETY, SECURITY, AND RELIABILITY OF**
10 **UNITED STATES NUCLEAR WEAPONS STOCK-**
11 **PILE AND NUCLEAR FORCES.**

12 (a) IN GENERAL.—Section 1305 of the National De-
13 fense Authorization Act for Fiscal Year 1998 (42 U.S.C.
14 7274p) is—

15 (1) transferred to the Atomic Energy Defense
16 Act (50 U.S.C. 2501 et seq.);

17 (2) inserted after section 4217 of such Act, as
18 added by section 3162(a);

19 (3) redesignated as section 4218; and

20 (4) amended by amending subsection (f) to read
21 as follows:

22 “(f) EXPRESSION OF INDIVIDUAL VIEWS.—

23 “(1) IN GENERAL.—No individual, including
24 representatives of the President, may take any ac-
25 tion against, or otherwise constrain, a director of a

1 national security laboratory or a nuclear weapons
2 production facility, a member of the Nuclear Weap-
3 ons Council established under section 179 of title
4 10, United States Code, or the Commander of the
5 United States Strategic Command from presenting
6 the professional views of the director, member, or
7 Commander, as the case may be, to the President,
8 the National Security Council, or Congress regard-
9 ing—

10 “(A) the safety, security, reliability, or
11 credibility of the nuclear weapons stockpile and
12 nuclear forces; or

13 “(B) the status of, and plans for, the capa-
14 bilities and infrastructure that support and sus-
15 tain the nuclear weapons stockpile and nuclear
16 forces.

17 “(2) CONSTRUCTION.—Nothing in paragraph
18 (1)(B) may be construed to affect the interagency
19 budget process.”.

20 (b) CONFORMING AMENDMENTS.—Section 4218 of
21 the Atomic Energy Defense Act, as added by subsection
22 (a), is amended—

23 (1) by striking “nuclear weapons laboratories”
24 each place it appears and inserting “national secu-
25 rity laboratories”;

1 (2) by striking “nuclear weapons laboratory”
2 each place it appears and inserting “national secu-
3 rity laboratory”;

4 (3) by striking “nuclear weapons production
5 plants” each place it appears and inserting “nuclear
6 weapons production facilities”;

7 (4) by striking “nuclear weapons production
8 plant” each place it appears and inserting “nuclear
9 weapons production facility”; and

10 (5) by amending subsection (g) to read as fol-
11 lows:

12 “(g) REPRESENTATIVE OF THE PRESIDENT DE-
13 FINED.—In this section, the term ‘representative of the
14 President’ means the following:

15 “(1) Any official of the Department of Defense
16 or the Department of Energy who is appointed by
17 the President and confirmed by the Senate.

18 “(2) Any member or official of the National Se-
19 curity Council.

20 “(3) Any member or official of the Joint Chiefs
21 of Staff.

22 “(4) Any official of the Office of Management
23 and Budget.”.

24 (c) CLERICAL AMENDMENT.—The table of contents
25 at the beginning of the Atomic Energy Defense Act is

1 amended by inserting after the item relating to section
2 4217, as added by section 3162(b), the following new item:

“Sec. 4218. Advice to President and Congress regarding safety, security, and
reliability of United States nuclear weapons stockpile.”.

3 **SEC. 3165. PILOT PROGRAM ON TECHNOLOGY COMMER-**
4 **CIALIZATION.**

5 (a) PILOT PROGRAM.—The Secretary of Energy, in
6 consultation with the Technology Transfer Coordinator
7 appointed under section 1001(a) of the Energy Policy Act
8 of 2005 (42 U.S.C. 16391(a)), may carry out a pilot pro-
9 gram at a national security laboratory for the purpose of
10 accelerating technology transfer from such laboratories to
11 the marketplace with respect to technologies that directly
12 advance the mission of the National Nuclear Security Ad-
13 ministration.

14 (b) TERMINATION.—The authority to carry out the
15 pilot program under subsection (a) shall terminate on the
16 date that is two years after the date of the enactment of
17 this Act.

18 (c) REPORTS.—

19 (1) IN GENERAL.—Not later than one year
20 after the date of the enactment of this Act, the Sec-
21 retary shall submit to the appropriate congressional
22 committees a report on the pilot program under sub-
23 section (a).

1 (2) ELEMENTS.—The report under paragraph
2 (1) shall include the following:

3 (A) An identification of opportunities for
4 accelerating technology transfer from national
5 security laboratories to the marketplace.

6 (B) If the Secretary chooses to carry out
7 the pilot program under subsection (a), a de-
8 scription of the plan to carry out such program.

9 (C) If the Secretary chooses not to carry
10 out the pilot program under subsection (a), a
11 description of why the program will not be car-
12 ried out.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “appropriate congressional com-
15 mittees” means the following:

16 (A) The Committees on Armed Services of
17 the Senate and House of Representatives.

18 (B) The Committee on Commerce, Science,
19 and Transportation of the Senate and the Com-
20 mittee on Science, Space, and Technology of
21 the House of Representatives.

22 (C) The Committee on Energy and Nat-
23 ural Resources of the Senate and the Com-
24 mittee on Energy and Commerce of the House
25 of Representatives.

1 (2) The term “national security laboratory” has
2 the meaning given that term in section 3281 of the
3 National Nuclear Security Administration Act (50
4 U.S.C. 2471).

5 **SEC. 3166. CONGRESSIONAL ADVISORY PANEL ON THE GOV-**
6 **ERNANCE OF THE NUCLEAR SECURITY EN-**
7 **TERPRISE.**

8 (a) **ESTABLISHMENT.**—There is established a con-
9 gressional advisory panel to be known as the “Congres-
10 sional Advisory Panel on the Governance of the Nuclear
11 Security Enterprise” (in this section referred to as the
12 “advisory panel”). The purpose of the advisory panel is
13 to examine options and make recommendations for revis-
14 ing the governance structure, mission, and management
15 of the nuclear security enterprise.

16 (b) **COMPOSITION AND MEETINGS.**—

17 (1) **MEMBERSHIP.**—The advisory panel shall be
18 composed of 12 members appointed as follows:

19 (A) Two by the chairman of the Committee
20 on Armed Services of the House of Representa-
21 tives.

22 (B) Two by the ranking minority member
23 of the Committee on Armed Services of the
24 House of Representatives.

1 (C) Two by the chairman of the Committee
2 on Armed Services of the Senate.

3 (D) Two by the ranking minority member
4 of the Committee on Armed Services of the
5 Senate.

6 (E) One by the Speaker of the House of
7 Representatives.

8 (F) One by the minority leader of the
9 House of Representatives.

10 (G) One by the majority leader of the Sen-
11 ate.

12 (H) One by the minority leader of the Sen-
13 ate.

14 (2) CO-CHAIRMEN.—Two members of the advi-
15 sory panel shall serve as co-chairmen of the advisory
16 panel. The co-chairmen shall be designated as fol-
17 lows:

18 (A) The chairman of the Committee on
19 Armed Services of the House of Representatives
20 and the ranking minority member of the Com-
21 mittee on Armed Services of the Senate, in con-
22 sultation with the Speaker of the House of Rep-
23 resentatives and the minority leader of the Sen-
24 ate, shall jointly designate one member of the

1 advisory panel to serve as co-chairman of the
2 advisory panel.

3 (B) The chairman of the Committee on
4 Armed Services of the Senate and the ranking
5 minority member of the Committee on Armed
6 Services of the House of Representatives, in
7 consultation with the majority leader of the
8 Senate and the minority leader of the House of
9 Representatives, shall jointly designate one
10 member of the advisory panel to serve as co-
11 chairman of the advisory panel.

12 (3) SECURITY CLEARANCE REQUIRED.—Each
13 individual appointed as a member of the advisory
14 panel shall possess (or have recently possessed be-
15 fore the date of such appointment) the appropriate
16 security clearance necessary to carry out the duties
17 of the advisory panel.

18 (4) PERIOD OF APPOINTMENT; VACANCIES.—
19 Each member of the advisory panel shall be ap-
20 pointed for the life of the advisory panel. Any va-
21 cancy in the advisory panel shall be filled in the
22 same manner as the original appointment.

23 (5) MEETINGS.—The advisory panel shall com-
24 mence its first meeting by not later than March 1,

1 2013, so long as at least two members have been ap-
2 pointed under paragraph (1) by such date.

3 (c) COOPERATION FROM GOVERNMENT.—

4 (1) COOPERATION.—The advisory panel shall
5 receive the full and timely cooperation of the Sec-
6 retary of Defense, the Secretary of Energy, and any
7 other Federal official in providing the advisory panel
8 with analyses, briefings, and other information, in-
9 cluding access to classified information, necessary
10 for the advisory panel to carry out its duties under
11 this section. With respect to access to classified in-
12 formation, the Director of National Intelligence may
13 determine which information is necessary under this
14 paragraph.

15 (2) LIAISON.—The following heads of Federal
16 agencies shall each designate at least one officer or
17 employee of the respective agency to serve as a liai-
18 son officer between the agency and the advisory
19 panel:

20 (A) The Secretary of State.

21 (B) The Secretary of Defense.

22 (C) The Secretary of Energy.

23 (D) The Secretary of Homeland Security.

24 (E) The Director of National Intelligence.

25 (d) REPORTS REQUIRED.—

1 (1) INTERIM REPORT.—Not later than 180
2 days after the date of the enactment of this Act, the
3 advisory panel shall submit to the President, the
4 Secretary of Defense, the Secretary of Energy, the
5 Committees on Armed Services and Energy and
6 Natural Resources of the Senate, and the Commit-
7 tees on Armed Services and Energy and Commerce
8 of the House of Representatives an interim report on
9 the initial findings, conclusions, and recommenda-
10 tions of the advisory panel. To the extent prac-
11 ticable, the interim report shall address the matters
12 described in paragraph (2) and focus on the imme-
13 diate, near-term actions the advisory panel rec-
14 ommends be taken.

15 (2) REPORT.—Not later than February 1,
16 2014, the advisory panel shall submit to the Presi-
17 dent, the Secretary of Defense, the Secretary of En-
18 ergy, the Committees on Armed Services and Energy
19 and Natural Resources of the Senate, and the Com-
20 mittees on Armed Services and Energy and Com-
21 merce of the House of Representatives a report on
22 the findings, conclusions, and recommendations of
23 the advisory panel. The report shall include the fol-
24 lowing:

1 (A) An assessment of each option consid-
2 ered by the advisory panel for revising the gov-
3 ernance structure, mission, and management of
4 the nuclear security enterprise, including the
5 advantages, disadvantages, costs, risks, and
6 benefits of each such option.

7 (B) The recommendation of the advisory
8 panel with respect to the most appropriate gov-
9 ernance structure, mission, and management of
10 the nuclear security enterprise.

11 (C) Recommendations of the advisory
12 panel with respect to—

13 (i) the appropriate missions of the nu-
14 clear security enterprise, including how
15 complementary missions should be man-
16 aged while ensuring focus on core missions;

17 (ii) the organization and structure of
18 the nuclear security enterprise and the
19 Federal agency responsible for such enter-
20 prise;

21 (iii) the roles, responsibilities, and au-
22 thorities of Federal agencies, Federal offi-
23 cials, the national security laboratories and
24 nuclear weapons production facilities, and
25 the directors of such laboratories and fa-

1 cilities, including mechanisms for holding
2 such officials and directors accountable;

3 (iv) the allocation of roles and respon-
4 sibilities with respect to the mission, oper-
5 ations, safety, and security of the nuclear
6 security enterprise;

7 (v) the relationships among the Fed-
8 eral agency responsible for the nuclear se-
9 curity enterprise and the National Security
10 Council, the Nuclear Weapons Council, the
11 Department of Energy, the Department of
12 Defense, and other Federal agencies;

13 (vi) the interagency planning, pro-
14 gramming, and budgeting process for the
15 nuclear security enterprise;

16 (vii) the appropriate means for man-
17 aging and overseeing the nuclear security
18 enterprise, including the role of federally
19 funded research and development centers,
20 the role and impact of various contracting
21 and fee structures, the appropriate role of
22 contract competition and nonprofit and
23 for-profit contractors, and the use of per-
24 formance-based and transactional over-
25 sight;

1 (viii) the appropriate means for ensur-
2 ing the health of the intellectual capital of
3 the nuclear security enterprise, including
4 recruitment and retention of personnel and
5 enhancement of a robust professional cul-
6 ture of excellence;

7 (ix) the appropriate means for ensur-
8 ing the health and sustainment of the crit-
9 ical capabilities and physical infrastructure
10 of the nuclear security enterprise;

11 (x) infrastructure, rules, regulations,
12 best practices, standards, and appropriate
13 oversight mechanisms to ensure robust
14 protection of the health and safety of
15 workers and the public while also providing
16 such workers the ability to effectively and
17 efficiently carry out their mission;

18 (xi) the appropriate congressional
19 committee structure for oversight of the
20 nuclear security enterprise;

21 (xii) the length of the terms and sug-
22 gested qualifications for senior officials of
23 the Federal agency responsible for the nu-
24 clear security enterprise;

1 (xiii) contracting, budget planning,
2 program management, and regulatory
3 changes to reduce the cost of programs
4 and administration without eroding mis-
5 sion effectiveness or requirements and en-
6 suring robust protection of the health and
7 safety of workers and the public; and

8 (xiv) statutory, regulatory, and policy
9 changes necessary for implementing the
10 recommendations of the advisory panel.

11 (D) An assessment of if and how the rec-
12 ommendations of the advisory panel will lead to
13 greater mission focus and more effective and ef-
14 ficient program management for the nuclear se-
15 curity enterprise.

16 (E) Any other information or recommenda-
17 tions relating to the future of the nuclear secu-
18 rity enterprise that the advisory panel considers
19 appropriate.

20 (e) FUNDING.—Of the amounts authorized to be ap-
21 propriated by this Act or otherwise made available for fis-
22 cal year 2013 for the Department of Defense, not more
23 than \$3,000,000 shall be made available to the advisory
24 panel to carry out this section.

1 (f) TERMINATION.—The advisory panel shall termi-
2 nate not later than June 1, 2014.

3 (g) DEFINITIONS.—In this section:

4 (1) The term “national security laboratory” has
5 the meaning given that term in section 4002(6) of
6 the Atomic Energy Defense Act, as amended by sec-
7 tion 3131(a).

8 (2) The term “nuclear security enterprise” has
9 the meaning given that term in section 4002(5) of
10 the Atomic Energy Defense Act, as amended by sec-
11 tion 3131(a).

12 (3) The term “nuclear weapons production fa-
13 cility” has the meaning given that term in section
14 4002(7) of the Atomic Energy Defense Act, as
15 amended by section 3131(a).

16 **Subtitle F—American Medical** 17 **Isotopes Production**

18 **SEC. 3171. SHORT TITLE.**

19 This subtitle may be cited as the “American Medical
20 Isotopes Production Act of 2012”.

21 **SEC. 3172. DEFINITIONS.**

22 In this subtitle:

23 (1) DEPARTMENT.—The term “Department”
24 means the Department of Energy.

1 (2) HIGHLY ENRICHED URANIUM.—The term
2 “highly enriched uranium” means uranium enriched
3 to 20 percent or greater in the isotope U-235.

4 (3) LOW ENRICHED URANIUM.—The term “low
5 enriched uranium” means uranium enriched to less
6 than 20 percent in the isotope U-235.

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of Energy.

9 **SEC. 3173. IMPROVING THE RELIABILITY OF DOMESTIC**
10 **MEDICAL ISOTOPE SUPPLY.**

11 (a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

12 (1) IN GENERAL.—The Secretary shall carry
13 out a technology-neutral program—

14 (A) to evaluate and support projects for
15 the production in the United States, without
16 the use of highly enriched uranium, of signifi-
17 cant quantities of molybdenum-99 for medical
18 uses;

19 (B) to be carried out in cooperation with
20 non-Federal entities; and

21 (C) the costs of which shall be shared in
22 accordance with section 988 of the Energy Pol-
23 icy Act of 2005 (42 U.S.C. 16352).

24 (2) CRITERIA.—Projects shall be evaluated
25 against the following primary criteria:

1 (A) The length of time necessary for the
2 proposed project to begin production of molyb-
3 denum-99 for medical uses within the United
4 States.

5 (B) The capability of the proposed project
6 to produce a significant percentage of United
7 States demand for molybdenum-99 for medical
8 uses.

9 (C) The capability of the proposed project
10 to produce molybdenum-99 in a cost-effective
11 manner.

12 (D) The cost of the proposed project.

13 (3) EXEMPTION.—An existing reactor in the
14 United States fueled with highly enriched uranium
15 shall not be disqualified from the program if the
16 Secretary determines that—

17 (A) there is no alternative nuclear reactor
18 fuel, enriched in the isotope U-235 to less than
19 20 percent, that can be used in that reactor;

20 (B) the reactor operator has provided as-
21 surances that, whenever an alternative nuclear
22 reactor fuel, enriched in the isotope U-235 to
23 less than 20 percent, can be used in that reac-
24 tor, it will use that alternative in lieu of highly
25 enriched uranium; and

1 (C) the reactor operator has provided a
2 current report on the status of its efforts to
3 convert the reactor to an alternative nuclear re-
4 actor fuel enriched in the isotope U-235 to less
5 than 20 percent, and an anticipated schedule
6 for completion of conversion.

7 (4) PUBLIC PARTICIPATION AND REVIEW.—The
8 Secretary shall—

9 (A) develop a program plan and annually
10 update the program plan through public work-
11 shops; and

12 (B) use the Nuclear Science Advisory
13 Committee to conduct annual reviews of the
14 progress made in achieving the program goals
15 and make recommendations to improve program
16 effectiveness.

17 (b) DEVELOPMENT ASSISTANCE.—The Secretary
18 shall carry out a program to provide assistance for—

19 (1) the development of fuels, targets, and proc-
20 esses for domestic molybdenum-99 production that
21 do not use highly enriched uranium; and

22 (2) commercial operations using the fuels, tar-
23 gets, and processes described in paragraph (1).

24 (c) URANIUM LEASE AND TAKE-BACK.—

1 (1) IN GENERAL.—The Secretary shall establish
2 a program to make low enriched uranium available,
3 through lease contracts, for irradiation for the pro-
4 duction of molybdenum-99 for medical uses.

5 (2) TITLE.—The lease contracts shall provide
6 for the producers of the molybdenum-99 to take title
7 to and be responsible for the molybdenum-99 created
8 by the irradiation, processing, or purification of ura-
9 nium leased under this section.

10 (3) DUTIES.—

11 (A) SECRETARY.—The lease contracts
12 shall require the Secretary—

13 (i) to retain responsibility for the final
14 disposition of spent nuclear fuel created by
15 the irradiation, processing, or purification
16 of uranium leased under this section for
17 the production of medical isotopes; and

18 (ii) to take title to and be responsible
19 for the final disposition of radioactive
20 waste created by the irradiation, proc-
21 essing, or purification of uranium leased
22 under this section for which the Secretary
23 determines the producer does not have ac-
24 cess to a disposal path.

1 (B) PRODUCER.—The producer of the
2 spent nuclear fuel and radioactive waste shall
3 accurately characterize, appropriately package,
4 and transport the spent nuclear fuel and radio-
5 active waste prior to acceptance by the Depart-
6 ment.

7 (4) COMPENSATION.—

8 (A) IN GENERAL.—Subject to subpara-
9 graph (B), the lease contracts shall provide for
10 compensation in cash amounts equivalent to
11 prevailing market rates for the sale of com-
12 parable uranium products and for compensation
13 in cash amounts equivalent to the net present
14 value of the cost to the Federal Government
15 for—

16 (i) the final disposition of spent nu-
17 clear fuel and radioactive waste for which
18 the Department is responsible under para-
19 graph (3); and

20 (ii) other costs associated with car-
21 rying out the uranium lease and take-back
22 program authorized by this subsection.

23 (B) DISCOUNT RATE.—The discount rate
24 used to determine the net present value of costs
25 described in subparagraph (A)(ii) shall be not

1 greater than the average interest rate on mar-
2 ketable Treasury securities.

3 (5) AUTHORIZED USE OF FUNDS.—Subject to
4 the availability of appropriations, the Secretary may
5 obligate and expend funds received under leases en-
6 tered into under this subsection, which shall remain
7 available until expended, for the purpose of carrying
8 out the activities authorized by this subtitle, includ-
9 ing activities related to the final disposition of spent
10 nuclear fuel and radioactive waste for which the De-
11 partment is responsible under paragraph (3).

12 (6) EXCHANGE OF URANIUM FOR SERVICES.—
13 The Secretary shall not barter or otherwise sell or
14 transfer uranium in any form in exchange for—

15 (A) services related to the final disposition
16 of the spent nuclear fuel and radioactive waste
17 for which the Department is responsible under
18 paragraph (3); or

19 (B) any other services associated with car-
20 rying out the uranium lease and take-back pro-
21 gram authorized by this subsection.

22 (d) COORDINATION OF ENVIRONMENTAL RE-
23 VIEWS.—The Department and the Nuclear Regulatory
24 Commission shall ensure to the maximum extent prac-
25 ticable that environmental reviews for the production of

1 the medical isotopes shall complement and not duplicate
2 each review.

3 (e) OPERATIONAL DATE.—The Secretary shall estab-
4 lish a program as described in subsection (c)(3) not later
5 than 3 years after the date of enactment of this Act.

6 (f) RADIOACTIVE WASTE.—Notwithstanding section
7 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C.
8 10101), radioactive material resulting from the production
9 of medical isotopes that has been permanently removed
10 from a reactor or subcritical assembly and for which there
11 is no further use shall be considered low-level radioactive
12 waste if the material is acceptable under Federal require-
13 ments for disposal as low-level radioactive waste.

14 **SEC. 3174. EXPORTS.**

15 Section 134 of the Atomic Energy Act of 1954 (42
16 U.S.C. 2160d) is amended by striking subsection c. and
17 inserting the following:

18 “c. MEDICAL PRODUCTION LICENSE SUNSET.—Ef-
19 fective 7 years after the date of enactment of the Amer-
20 ican Medical Isotopes Production Act of 2012, the Com-
21 mission may not issue a license for the export of highly
22 enriched uranium from the United States for the purposes
23 of medical isotope production.

24 “d. MEDICAL PRODUCTION LICENSE EXTENSION.—
25 The period referred to in subsection c. may be extended

1 for no more than 6 years if, no earlier than 6 years after
2 the date of enactment of the American Medical Isotopes
3 Production Act of 2012, the Secretary of Energy certifies
4 to the Committee on Energy and Commerce of the House
5 of Representatives and the Committee on Energy and
6 Natural Resources of the Senate that—

7 “(1) there is insufficient global supply of molyb-
8 denum-99 produced without the use of highly en-
9 riched uranium available to satisfy the domestic
10 United States market; and

11 “(2) the export of United States-origin highly
12 enriched uranium for the purposes of medical iso-
13 tope production is the most effective temporary
14 means to increase the supply of molybdenum-99 to
15 the domestic United States market.

16 “e. PUBLIC NOTICE.—To ensure public review and
17 comment, the development of the certification described
18 in subsection d. shall be carried out through announce-
19 ment in the Federal Register.

20 “f. JOINT CERTIFICATION.—

21 “(1) IN GENERAL.—In accordance with para-
22 graph (2), the ban on the export of highly enriched
23 uranium for purposes of medical isotope production
24 referred to in subsections c. and d. shall not go into
25 effect unless the Secretary of Energy and the Sec-

1 retary of Health and Human Services have jointly
2 certified that—

3 “(A) there is a sufficient supply of molyb-
4 denum-99 produced without the use of highly
5 enriched uranium available to meet the needs of
6 patients in the United States; and

7 “(B) it is not necessary to export United
8 States-origin highly enriched uranium for the
9 purposes of medical isotope production in order
10 to meet United States patient needs.

11 “(2) TIME OF CERTIFICATION.—The joint cer-
12 tification under paragraph (1) shall be made not
13 later than 7 years after the date of enactment of the
14 American Medical Isotopes Production Act of 2012,
15 except that, if the period referred to in subsection c.
16 is extended under subsection d., the 7-year deadline
17 under this paragraph shall be extended by a period
18 equal to the period of such extension under sub-
19 section d.

20 “g. SUSPENSION OF MEDICAL PRODUCTION LI-
21 CENSE.—At any time after the restriction of export li-
22 censes provided for in subsection c. becomes effective, if
23 there is a critical shortage in the supply of molybdenum-
24 99 available to satisfy the domestic United States medical

1 isotope needs, the restriction of export licenses may be
2 suspended for a period of no more than 12 months, if—

3 “(1) the Secretary of Energy certifies to the
4 Congress that the export of United States-origin
5 highly enriched uranium for the purposes of medical
6 isotope production is the only effective temporary
7 means to increase the supply of molybdenum-99 nec-
8 essary to meet United States medical isotope needs
9 during that period; and

10 “(2) the Congress enacts a Joint Resolution ap-
11 proving the temporary suspension of the restriction
12 of export licenses.

13 “h. DEFINITIONS.—As used in this section—

14 “(1) the term ‘alternative nuclear reactor fuel
15 or target’ means a nuclear reactor fuel or target
16 which is enriched to less than 20 percent in the iso-
17 tope U-235;

18 “(2) the term ‘highly enriched uranium’ means
19 uranium enriched to 20 percent or more in the iso-
20 tope U-235;

21 “(3) a fuel or target ‘can be used’ in a nuclear
22 research or test reactor if—

23 “(A) the fuel or target has been qualified
24 by the Reduced Enrichment Research and Test

1 Reactor Program of the Department of Energy;
2 and

3 “(B) use of the fuel or target will permit
4 the large majority of ongoing and planned ex-
5 periments and medical isotope production to be
6 conducted in the reactor without a large per-
7 centage increase in the total cost of operating
8 the reactor; and

9 “(4) the term ‘medical isotope’ includes molyb-
10 denum-99, iodine-131, xenon-133, and other radio-
11 active materials used to produce a radiopharma-
12 ceutical for diagnostic or therapeutic procedures or
13 for research and development.”.

14 **SEC. 3175. REPORT ON DISPOSITION OF EXPORTS.**

15 Not later than 1 year after the date of the enactment
16 of this Act, the Chairman of the Nuclear Regulatory Com-
17 mission, after consulting with other relevant agencies,
18 shall submit to the Congress a report detailing the current
19 disposition of previous United States exports of highly en-
20 riched uranium used as fuel or targets in a nuclear re-
21 search or test reactor, including—

- 22 (1) their location;
23 (2) whether they are irradiated;
24 (3) whether they have been used for the pur-
25 pose stated in their export license;

1 (4) whether they have been used for an alter-
2 native purpose and, if so, whether such alternative
3 purpose has been explicitly approved by the Commis-
4 sion;

5 (5) the year of export, and reimportation, if ap-
6 plicable;

7 (6) their current physical and chemical forms;
8 and

9 (7) whether they are being stored in a manner
10 which adequately protects against theft and unau-
11 thorized access.

12 **SEC. 3176. DOMESTIC MEDICAL ISOTOPE PRODUCTION.**

13 (a) IN GENERAL.—Chapter 10 of the Atomic Energy
14 Act of 1954 (42 U.S.C. 2131 et seq.) is amended by add-
15 ing at the end the following:

16 “SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUC-
17 TION.—

18 “a. The Commission may issue a license, or grant an
19 amendment to an existing license, for the use in the
20 United States of highly enriched uranium as a target for
21 medical isotope production in a nuclear reactor, only if,
22 in addition to any other requirement of this Act—

23 “(1) the Commission determines that—

1 “(A) there is no alternative medical isotope
2 production target that can be used in that reac-
3 tor; and

4 “(B) the proposed recipient of the medical
5 isotope production target has provided assur-
6 ances that, whenever an alternative medical iso-
7 tope production target can be used in that reac-
8 tor, it will use that alternative in lieu of highly
9 enriched uranium; and

10 “(2) the Secretary of Energy has certified that
11 the United States Government is actively supporting
12 the development of an alternative medical isotope
13 production target that can be used in that reactor.

14 “b. As used in this section—

15 “(1) the term ‘alternative medical isotope pro-
16 duction target’ means a nuclear reactor target which
17 is enriched to less than 20 percent of the isotope U-
18 235;

19 “(2) a target ‘can be used’ in a nuclear re-
20 search or test reactor if—

21 “(A) the target has been qualified by the
22 Reduced Enrichment Research and Test Reac-
23 tor Program of the Department of Energy; and

24 “(B) use of the target will permit the large
25 majority of ongoing and planned experiments

1 and medical isotope production to be conducted
2 in the reactor without a large percentage in-
3 crease in the total cost of operating the reactor;

4 “(3) the term ‘highly enriched uranium’ means
5 uranium enriched to 20 percent or more in the iso-
6 tope U-235; and

7 “(4) the term ‘medical isotope’ includes molyb-
8 denum-99, iodine-131, xenon-133, and other radio-
9 active materials used to produce a radiopharma-
10 ceutical for diagnostic or therapeutic procedures or
11 for research and development.”.

12 (b) TABLE OF CONTENTS.—The table of contents for
13 the Atomic Energy Act of 1954 is amended by inserting
14 the following new item at the end of the items relating
15 to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

16 **SEC. 3177. ANNUAL DEPARTMENT REPORTS.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, and annually thereafter for
19 5 years, the Secretary shall report to Congress on Depart-
20 ment actions to support the production in the United
21 States, without the use of highly enriched uranium, of mo-
22 lybdenum-99 for medical uses.

23 (b) CONTENTS.—The reports shall include the fol-
24 lowing:

25 (1) For medical isotope development projects—

1 (A) the names of any recipients of Depart-
2 ment support under section 3173;

3 (B) the amount of Department funding
4 committed to each project;

5 (C) the milestones expected to be reached
6 for each project during the year for which sup-
7 port is provided;

8 (D) how each project is expected to sup-
9 port the increased production of molybdenum-
10 99 for medical uses;

11 (E) the findings of the evaluation of
12 projects under section 3173(a)(2); and

13 (F) the ultimate use of any Department
14 funds used to support projects under section
15 3173.

16 (2) A description of actions taken in the pre-
17 vious year by the Secretary to ensure the safe dis-
18 position of spent nuclear fuel and radioactive waste
19 for which the Department is responsible under sec-
20 tion 3173(c).

21 **SEC. 3178. NATIONAL ACADEMY OF SCIENCES REPORT.**

22 (a) IN GENERAL.—The Secretary shall enter into an
23 arrangement with the National Academy of Sciences to
24 conduct a study of the state of molybdenum-99 production

1 and utilization, to be provided to Congress not later than
2 5 years after the date of enactment of this Act.

3 (b) CONTENTS.—The report shall include the fol-
4 lowing:

5 (1) For molybdenum-99 production—

6 (A) a list of all facilities in the world pro-
7 ducing molybdenum-99 for medical uses, includ-
8 ing an indication of whether these facilities use
9 highly enriched uranium in any way;

10 (B) a review of international production of
11 molybdenum-99 over the previous 5 years, in-
12 cluding—

13 (i) whether any new production was
14 brought online;

15 (ii) whether any facilities halted pro-
16 duction unexpectedly; and

17 (iii) whether any facilities used for
18 production were decommissioned or other-
19 wise permanently removed from service;
20 and

21 (C) an assessment of progress made in the
22 previous 5 years toward establishing domestic
23 production of molybdenum-99 for medical uses,
24 including the extent to which other medical iso-
25 topes that have been produced with molyb-

1 denum-99, such as iodine-131 and xenon-133,
2 are being used for medical purposes.

3 (2) An assessment of the progress made by the
4 Department and others to eliminate all worldwide
5 use of highly enriched uranium in reactor fuel, reac-
6 tor targets, and medical isotope production facilities.

7 **TITLE XXXII—DEFENSE NU-**
8 **CLEAR FACILITIES SAFETY**
9 **BOARD**

Sec. 3201. Authorization.

Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.

10 **SEC. 3201. AUTHORIZATION.**

11 There are authorized to be appropriated for fiscal
12 year 2013, \$29,415,000 for the operation of the Defense
13 Nuclear Facilities Safety Board under chapter 21 of the
14 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

15 **SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FA-**
16 **CILITIES SAFETY BOARD.**

17 (a) ESTABLISHMENT.—Section 311 of the Atomic
18 Energy Act of 1954 (42 U.S.C. 2286) is amended—

19 (1) in subsection (b), by striking paragraph (4);

20 (2) in subsection (c)—

21 (A) in the heading, by striking “AND VICE
22 CHAIRMAN” and inserting “, VICE CHAIRMAN,
23 AND MEMBERS”;

1 (B) in paragraph (2), by striking “The
2 Chairman” and inserting “In accordance with
3 paragraph (5), the Chairman”; and

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

6 “(5) Each member of the Board, including the Chair-
7 man and Vice Chairman, shall—

8 “(A) have equal responsibility and authority in
9 establishing decisions and determining actions of the
10 Board;

11 “(B) have full access to all information relating
12 to the performance of the Board’s functions, powers,
13 and mission; and

14 “(C) have one vote.”.

15 (b) MISSION AND FUNCTIONS.—

16 (1) IN GENERAL.—Section 312 of the Atomic
17 Energy Act of 1954 (42 U.S.C. 2286a) is amend-
18 ed—

19 (A) in the heading, by inserting “**MISSION**
20 **AND**” before “**FUNCTIONS**”;

21 (B) by redesignating subsections (a) and
22 (b) as subsections (b) and (c), respectively;

23 (C) by inserting before subsection (b), as
24 redesignated by subparagraph (B), the fol-
25 lowing new subsection (a):

1 “(a) MISSION.—The mission of the Board shall be
2 to provide independent analysis, advice, and recommenda-
3 tions to the Secretary of Energy to inform the Secretary,
4 in the role of the Secretary as operator and regulator of
5 the defense nuclear facilities of the Department of Energy,
6 in providing adequate protection of public health and safe-
7 ty at such defense nuclear facilities.”; and

8 (D) in subsection (b), as so redesignated—

9 (i) in the heading, by striking “IN
10 GENERAL” and inserting “FUNCTIONS”;

11 and

12 (ii) in paragraph (5), by inserting “,
13 and specifically assess risk (whenever suffi-
14 cient data exists),” after “shall consider”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents for the Atomic Energy Act of 1954 is amended
17 by striking the item relating to section 312 and in-
18 serting the following new item:

“Sec. 312. Mission and functions of the Board.”.

19 (c) BOARD RECOMMENDATIONS.—

20 (1) IN GENERAL.—Section 315 of the Atomic
21 Energy Act of 1954 (42 U.S.C. 2286d) is amend-
22 ed—

23 (A) by redesignating subsections (a)
24 through (h) as subsections (b) through (i), re-
25 spectively;

1 (B) by inserting before subsection (b), as
2 redesignated by subparagraph (A), the following
3 new subsection:

4 “(a) SUBMISSION OF RECOMMENDATIONS.—(1) Sub-
5 ject to subsections (h) and (i), not later than 30 days be-
6 fore the date on which the Board transmits a rec-
7 ommendation to the Secretary of Energy under section
8 312, the Board shall transmit to the Secretary in writing
9 a draft of such recommendation and any related findings,
10 supporting data, and analyses to ensure the Secretary is
11 adequately informed of a formal recommendation and to
12 provide the Secretary an opportunity to provide input to
13 the Board before such recommendation is finalized.

14 “(2) The Secretary may provide to the Board com-
15 ments on a draft recommendation transmitted by the
16 Board under paragraph (1) by not later than 30 days after
17 the date on which the Secretary receives the draft rec-
18 ommendation. The Board may grant, upon request by the
19 Secretary, additional time for the Secretary to transmit
20 comments to the Board.

21 “(3) After the period of time in which the Secretary
22 may provide comments under paragraph (2) elapses, the
23 Board may transmit a final recommendation to the Sec-
24 retary.”; and

1 (C) by amending subsection (b), as so re-
2 designated, to read as follows:

3 “(b) PUBLIC AVAILABILITY AND COMMENT.—Sub-
4 ject to subsections (h) and (i), after the Secretary of En-
5 ergy receives a recommendation from the Board under
6 subsection (a)(3), the Board shall promptly make available
7 to the public such recommendation and any related cor-
8 respondence from the Secretary by—

9 “(1) providing such recommendation and cor-
10 respondence to the public in the regional public
11 reading rooms of the Department of Energy; and

12 “(2) publishing in the Federal Register—

13 “(A) such recommendation and cor-
14 respondence; and

15 “(B) a request for the submission to the
16 Board of public comments on such rec-
17 ommendation that provides interested persons
18 with 30 days after the date of the publication
19 in which to submit comments, data, views, or
20 arguments to the Board concerning the rec-
21 ommendation.”.

22 (2) TECHNICAL AND CONFORMING AMEND-
23 MENTS.—Such section 315 is further amended—

24 (A) in subsection (c), as redesignated by
25 paragraph (1)(A)—

1 (i) in paragraph (1), by striking “sub-
2 section (a)” and inserting “subsection
3 (b)”; and

4 (ii) in paragraph (2), by striking
5 “subsection (h)” and inserting “subsection
6 (i)”;

7 (B) in subsection (d), as so redesignated,
8 by striking “subsection (a) or (b)” and insert-
9 ing “subsection (b) or (c)”;

10 (C) in subsection (e), as so redesignated—

11 (i) by striking “subsection (b)(1)” and
12 inserting “subsection (c)(1)”; and

13 (ii) by striking “subsection (h)” and
14 inserting “subsection (i)”;

15 (D) in subsection (g), as so redesignated—

16 (i) in paragraph (1), as so redesign-
17 ated, by striking “subsection (e)” and in-
18 serting “subsection (f)”; and

19 (ii) in paragraph (2), by striking “, to
20 the Committees on Armed Services and on
21 Appropriations of the Senate, and to the
22 Speaker of the House of Representatives”
23 and inserting “and to such committees”;

24 (E) in subsection (h), as so redesignated—

1 (i) in paragraph (1), as so redesign-
2 nated, by striking “through (d)” and in-
3 sserting “through (e)”; and

4 (ii) in paragraph (3), by striking “and
5 the Speaker”; and

6 (F) by striking “Committees on Armed
7 Services and on Appropriations of the Senate
8 and to the Speaker of the House of Representa-
9 tives” each place it appears and inserting
10 “Committees on Armed Services, Appropria-
11 tions, and Energy and Commerce of the House
12 of Representatives and the Committees on
13 Armed Services, Appropriations, and Energy
14 and Natural Resources of the Senate”.

15 (d) REPORTS.—Section 316 of the Atomic Energy
16 Act of 1954 (42 U.S.C. 2286e) is amended by striking
17 “Committees on Armed Services and on Appropriations of
18 the Senate and to the Speaker of the House of Represent-
19 atives” each place it appears and inserting “Committees
20 on Armed Services, Appropriations, and Energy and Com-
21 merce of the House of Representatives and the Commit-
22 tees on Armed Services, Appropriations, and Energy and
23 Natural Resources of the Senate”.

1 (e) INFORMATION TO CONGRESS.—Section 320 of the
2 Atomic Energy Act of 1954 (42 U.S.C. 2286h–1) is
3 amended—

4 (1) by striking “submitted to the Congress”
5 and inserting “submitted to the Committees on
6 Armed Services, Appropriations, and Energy and
7 Commerce of the House of Representatives and the
8 Committees on Armed Services, Appropriations, and
9 Energy and Natural Resources of the Senate”; and
10 (2) by striking “the Congress.” and inserting
11 “such committees.”.

12 (f) INSPECTOR GENERAL.—

13 (1) IN GENERAL.—Chapter 21 of the Atomic
14 Energy Act of 1954 (42 U.S.C. 2286 et seq.) is
15 amended by adding at the end the following new sec-
16 tion:

17 **“SEC. 322. INSPECTOR GENERAL.**

18 “(a) IN GENERAL.—Not later than October 1, 2013,
19 the Board shall enter into an agreement with an agency
20 of the Federal Government to procure the services of the
21 Inspector General of such agency for the Board, in accord-
22 ance with the Inspector General Act of 1978 (5 U.S.C.
23 App.). Such Inspector General shall have expertise relat-
24 ing to the mission of the Board.

1 “(b) BUDGET.—In the budget materials submitted to
2 the President by the Board in connection with the submis-
3 sion to Congress, pursuant to section 1105 of title 31,
4 United States Code, of the budget for each fiscal year,
5 the Board shall ensure that a separate, dedicated procure-
6 ment line item is designated for the services of an Inspec-
7 tor General under subsection (a).”.

8 (2) CLERICAL AMENDMENT.—The table of con-
9 tents for the Atomic Energy Act of 1954 is amended
10 by inserting after the item relating to section 321
11 the following new item:

“Sec. 322. Inspector General.”.

12 (g) TECHNICAL AMENDMENT.—Section 313(j)(2) of
13 the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is
14 amended by striking “section” and all that follows through
15 “implementation” and inserting “section 312(b)(1), the
16 implementation”.

17 (h) SAFETY STANDARDS.—Nothing in this section or
18 in the amendments made by this section shall be construed
19 to cause a reduction in nuclear safety standards.

20 **TITLE XXXIV—NAVAL**
21 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

22 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) AMOUNT.—There are hereby authorized to be ap-
24 propriated to the Secretary of Energy \$14,909,000 for fis-

1 cal year 2013 for the purpose of carrying out activities
2 under chapter 641 of title 10, United States Code, relating
3 to the naval petroleum reserves.

4 (b) PERIOD OF AVAILABILITY.—Funds appropriated
5 pursuant to the authorization of appropriations in sub-
6 section (a) shall remain available until expended.

7 **TITLE XXXV—MARITIME**
8 **ADMINISTRATION**

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.

Sec. 3502. Application of the Federal Acquisition Regulation.

Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.

Sec. 3504. Donation of excess fuel to maritime academies.

Sec. 3505. Clarification of heading.

Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.

Sec. 3507. Amendments relating to the National Defense Reserve Fleet.

Sec. 3508. Extension of Maritime Security Fleet program.

Sec. 3509. Container-on-barge transportation.

Sec. 3510. Short sea transportation.

Sec. 3511. Maritime environmental and technical assistance.

Sec. 3512. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.

Sec. 3513. Maritime workforce study.

Sec. 3514. Maritime administration vessel recycling contract award practices.

Sec. 3515. Requirement for barge design.

Sec. 3516. Eligibility to receive surplus training equipment.

Sec. 3517. Coordination with other laws.

9 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NA-**
10 **TIONAL SECURITY ASPECTS OF THE MER-**
11 **CHANT MARINE FOR FISCAL YEAR 2013.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2013, to be available without fiscal year limita-
14 tion if so provided in appropriations Acts, for the use of
15 the Department of Transportation for Maritime Adminis-

1 tration programs associated with maintaining national se-
2 curity aspects of the merchant marine, as follows:

3 (1) For expenses necessary for operations of the
4 United States Merchant Marine Academy,
5 \$77,253,000, of which—

6 (A) \$67,253,000 shall remain available
7 until expended for Academy operations; and

8 (B) \$10,000,000 shall remain available
9 until expended for capital asset management at
10 the Academy.

11 (2) For expenses necessary to support the State
12 maritime academies, \$16,045,000, of which—

13 (A) \$2,400,000 shall remain available until
14 expended for student incentive payments;

15 (B) \$2,545,000 shall remain available until
16 expended for direct payments to such acad-
17 emies; and

18 (C) \$11,100,000 shall remain available
19 until expended for maintenance and repair of
20 State maritime academy training vessels.

21 (3) For expenses necessary to dispose of vessels
22 in the National Defense Reserve Fleet, \$12,717,000,
23 to remain available until expended.

24 (4) For expenses to maintain and preserve a
25 United States-flag merchant marine to serve the na-

1 tional security needs of the United States under
2 chapter 531 of title 46, United States Code,
3 \$186,000,000.

4 (5) For the cost (as defined in section 502(5)
5 of the Federal Credit Reform Act of 1990 (2 U.S.C.
6 661a(5)) of loan guarantees under the program au-
7 thorized by chapter 537 of title 46, United States
8 Code, \$3,750,000, all of which shall remain available
9 until expended for administrative expenses of the
10 program.

11 **SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION**
12 **REGULATION.**

13 Section 3502(b) of the Floyd D. Spence National De-
14 fense Authorization Act for Fiscal Year 2001, as enacted
15 into law by Public Law 106–398 (114 Stat. 1654A–490),
16 is amended by striking “the enactment of this Act” and
17 inserting “contract award”.

18 **SEC. 3503. LIMITATION OF NATIONAL DEFENSE RESERVE**
19 **FLEET VESSELS TO THOSE OVER 1,500 GROSS**
20 **TONS.**

21 Section 57101(a) of title 46, United States Code, is
22 amended by inserting “of 1,500 gross tons or more or such
23 other vessels as the Secretary of Transportation shall de-
24 termine are appropriate” after “Administration”.

1 **SEC. 3504. DONATION OF EXCESS FUEL TO MARITIME**
2 **ACADEMIES.**

3 Section 51103(b) of title 46, United States Code, is
4 amended by striking so much as precedes paragraph (2)
5 and inserting the following:

6 “(b) PROPERTY FOR INSTRUCTIONAL PURPOSES.—

7 “(1) IN GENERAL.—The Secretary of Transpor-
8 tation may cooperate with and assist the institutions
9 named in paragraph (2) by making vessels, fuel,
10 shipboard equipment, and other marine equipment,
11 owned by the United States Government and deter-
12 mined by the entity having custody and control of
13 such property to be excess or surplus, available to
14 those institutions for instructional purposes, by gift,
15 loan, sale, lease, or charter on terms and conditions
16 the Secretary considers appropriate. The consent of
17 the Secretary of the Navy shall be obtained with re-
18 spect to any property from National Defense Re-
19 serve Fleet vessels (50 U.S.C. App. 1744) where
20 such vessels are either Ready Reserve Force vessels
21 or other National Defense Reserve Fleet vessels de-
22 termined to be of sufficient value to the Navy to
23 warrant their further preservation and retention.”.

1 **SEC. 3505. CLARIFICATION OF HEADING.**

2 (a) IN GENERAL.—The section designation and head-
3 ing for section 57103 of title 46, United States Code, is
4 amended to read as follows:

5 **“§ 57103. Donation of nonretention vessels in the Na-
6 tional Defense Reserve Fleet”.**

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 571 of title 46, United States Code, is amended by
9 striking the item relating to section 57103 and inserting
10 the following:

“57103. Donation of nonretention vessels in the National Defense Reserve
Fleet.”.

11 **SEC. 3506. TRANSFER OF VESSELS TO THE NATIONAL DE-
12 FENSE RESERVE FLEET.**

13 Section 57101 of title 46, United States Code, is
14 amended by adding at the end the following:

15 **“(c) AUTHORITY OF FEDERAL ENTITIES TO TRANS-
16 FER VESSELS.—All Federal entities are authorized to
17 transfer vessels to the National Defense Reserve Fleet
18 without reimbursement subject to the approval of the Sec-
19 retary of Transportation and the Secretary of the Navy
20 with respect to Ready Reserve Force vessels and the Sec-
21 retary of Transportation with respect to all other vessels.”.**

1 **SEC. 3507. AMENDMENTS RELATING TO THE NATIONAL DE-**
2 **FENSE RESERVE FLEET.**

3 Subparagraphs (B), (C), and (D) of section 11(e)(1)
4 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App.
5 1744(e)(1)) are amended to read as follows:

6 “(B) activate and conduct sea trials on
7 each vessel at a frequency that is deemed nec-
8 essary;

9 “(C) maintain and adequately crew, as
10 necessary, in an enhanced readiness status
11 those vessels that are scheduled to be activated
12 in 5 or less days;

13 “(D) locate those vessels that are sched-
14 uled to be activated near embarkation ports
15 specified for those vessels; and”.

16 **SEC. 3508. EXTENSION OF MARITIME SECURITY FLEET PRO-**
17 **GRAM.**

18 (a) DEFINITIONS.—Section 53101 of title 46, United
19 States Code, is amended—

20 (1) by amending paragraph (4) to read as fol-
21 lows:

22 “(4) FOREIGN COMMERCE.—The term ‘foreign
23 commerce’ means—

24 “(A) commerce or trade between the
25 United States, its territories or possessions, or

1 the District of Columbia, and a foreign country;

2 and

3 “(B) commerce or trade between foreign
4 countries.”;

5 (2) by striking paragraph (5);

6 (3) by redesignating paragraphs (6) through
7 (13) as paragraphs (5) through (12), respectively;

8 and

9 (4) by amending paragraph (5), as so redesign-
10 nated, to read as follows:

11 “(5) PARTICIPATING FLEET VESSEL.—The
12 term ‘participating fleet vessel’ means any vessel
13 that—

14 “(A) on October 1, 2015—

15 “(i) meets the requirements of para-
16 graph (1), (2), (3), or (4) of section
17 53102(c); and

18 “(ii) is less than 20 years of age if the
19 vessel is a tank vessel, or is less than 25
20 years of age for all other vessel types; and

21 “(B) on December 31, 2014, is covered by
22 an operating agreement under this chapter.”.

23 (b) VESSEL ELIGIBILITY.—Section 53102(b) of such
24 title is amended to read as follows:

1 “(b) VESSEL ELIGIBILITY.—A vessel is eligible to be
2 included in the Fleet if—

3 “(1) the vessel meets the requirements of para-
4 graph (1), (2), (3), or (4) of subsection (c);

5 “(2) the vessel is operated (or in the case of a
6 vessel to be constructed, will be operated) in pro-
7 viding transportation in foreign commerce;

8 “(3) the vessel is self-propelled and—

9 “(A) is a tank vessel that is 10 years of
10 age or less on the date the vessel is included in
11 the Fleet; or

12 “(B) is any other type of vessel that is 15
13 years of age or less on the date the vessel is in-
14 cluded in the Fleet;

15 “(4) the vessel—

16 “(A) is suitable for use by the United
17 States for national defense or military purposes
18 in time of war or national emergency, as deter-
19 mined by the Secretary of Defense; and

20 “(B) is commercially viable, as determined
21 by the Secretary; and

22 “(5) the vessel—

23 “(A) is a United States-documented vessel;
24 or

1 “(B) is not a United States-documented
2 vessel, but—

3 “(i) the owner of the vessel has dem-
4 onstrated an intent to have the vessel doc-
5 umented under chapter 121 of this title if
6 it is included in the Fleet; and

7 “(ii) at the time an operating agree-
8 ment for the vessel is entered into under
9 this chapter, the vessel is eligible for docu-
10 mentation under chapter 121 of this
11 title.”.

12 (c) OPERATING AGREEMENTS.—Section 53103 of
13 such title is amended—

14 (1) by amending subsection (b) to read as fol-
15 lows:

16 “(b) EXTENSION OF EXISTING OPERATING AGREE-
17 MENTS.—

18 “(1) OFFER TO EXTEND.—Not later than 60
19 days after the date of enactment of this paragraph,
20 the Secretary shall offer, to an existing contractor,
21 to extend, through September 30, 2025, an oper-
22 ating agreement that is in existence on the date of
23 enactment of this paragraph. The terms and condi-
24 tions of the extended operating agreement shall in-

1 clude terms and conditions authorized under this
2 chapter, as amended from time to time.

3 “(2) TIME LIMIT.—An existing contractor shall
4 have not later than 120 days after the date the Sec-
5 retary offers to extend an operating agreement to
6 agree to the extended operating agreement.

7 “(3) SUBSEQUENT AWARD.—The Secretary
8 may award an operating agreement to an applicant
9 that is eligible to enter into an operating agreement
10 for fiscal years 2016 through 2025 if the existing
11 contractor does not agree to the extended operating
12 agreement under paragraph (2).”; and

13 (2) by amending subsection (c) to read as fol-
14 lows:

15 “(c) PROCEDURE FOR AWARDING NEW OPERATING
16 AGREEMENTS.—The Secretary may enter into a new oper-
17 ating agreement with an applicant that meets the require-
18 ments of section 53102(c) (for vessels that meet the quali-
19 fications of section 53102(b)) on the basis of priority for
20 vessel type established by military requirements of the
21 Secretary of Defense. The Secretary shall allow an appli-
22 cant at least 30 days to submit an application for a new
23 operating agreement. After consideration of military re-
24 quirements, priority shall be given to an applicant that
25 is a United States citizen under section 50501 of this title.

1 The Secretary may not approve an application without the
2 consent of the Secretary of Defense. The Secretary shall
3 enter into an operating agreement with the applicant or
4 provide a written reason for denying the application.”.

5 (d) REPEAL OF EARLY TERMINATION BY CON-
6 TRACTOR.—Section 53104 of such title is amended—

7 (1) in subsection (c), by striking paragraph (3);

8 and

9 (2) in subsection (e), by striking “an operating
10 agreement under this chapter is terminated under
11 subsection (c)(3), or if”.

12 (e) TRANSFER OF OPERATING AGREEMENTS.—Sec-
13 tion 53105 of such title is amended—

14 (1) by amending subsection (e) to read as fol-
15 lows:

16 “(e) TRANSFER OF OPERATING AGREEMENTS.—A
17 contractor under an operating agreement may transfer the
18 agreement (including all rights and obligations under the
19 operating agreement) to any person that is eligible to
20 enter into the operating agreement under this chapter if
21 the Secretary and the Secretary of Defense determine that
22 the transfer is in the best interests of the United States.
23 A transaction shall not be considered a transfer of an op-
24 erating agreement if the same legal entity with the same

1 vessels remains the contracting party under the operating
2 agreement.”; and

3 (2) by amending subsection (f) to read as fol-
4 lows:

5 “(f) REPLACEMENT VESSELS.—A contractor may re-
6 place a vessel under an operating agreement with another
7 vessel that is eligible to be included in the Fleet under
8 section 53102(b), if the Secretary, in conjunction with the
9 Secretary of Defense, approves the replacement of the ves-
10 sel.”.

11 (f) PAYMENTS.—Section 53106 of such title is
12 amended—

13 (1) in subsection (a)(1), by striking “and” after
14 the semicolon at the end of subparagraph (B), and
15 by striking subparagraph (C) and inserting the fol-
16 lowing:

17 “(C) \$3,100,000 for each of fiscal years
18 2012, 2013, 2014, 2015, 2016, 2017, and
19 2018;

20 “(D) \$3,500,000 for each of fiscal years
21 2019, 2020, and 2021; and

22 “(E) \$3,700,000 for each of fiscal years
23 2022, 2023, 2024, and 2025.”;

1 (2) in subsection (c)(3)(C), by striking “a
2 LASH vessel.” and inserting “a lighter aboard ship
3 vessel.”; and

4 (3) by striking subsection (f).

5 (g) EMERGENCY PREPAREDNESS AGREEMENTS.—
6 Section 53107(b)(1) of such title is amended to read as
7 follows:

8 “(1) IN GENERAL.—An Emergency Prepared-
9 ness Agreement under this section shall require that
10 a contractor for a vessel covered by an operating
11 agreement under this chapter shall make commercial
12 transportation resources (including services) avail-
13 able, upon request by the Secretary of Defense dur-
14 ing a time of war or national emergency, or when-
15 ever the Secretary of Defense determines that it is
16 necessary for national security or contingency oper-
17 ation (as that term is defined in section 101 of title
18 10, United States Code).”.

19 (h) REPEAL OF WAIVER OF AGE RESTRICTION.—
20 Section 53109 of such title is repealed.

21 (i) AUTHORIZATION OF APPROPRIATIONS.—Section
22 53111 of such title is amended—

23 (1) by striking “and” at the end of paragraph
24 (2); and

1 (2) by amending paragraph (3) to read as fol-
2 lows:

3 “(3) \$186,000,000 for each of fiscal years
4 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

5 “(4) \$210,000,000 for each of fiscal years
6 2019, 2020, and 2021; and

7 “(5) \$222,000,000 for each fiscal year there-
8 after through fiscal year 2025.”.

9 (j) **EFFECTIVE DATE OF AMENDMENTS.**—The
10 amendments made by—

11 (1) paragraphs (2), (3), and (4) of subsection
12 (a) take effect on December 31, 2014; and

13 (2) subsection (f)(2) take effect on December
14 31, 2014.

15 **SEC. 3509. CONTAINER-ON-BARGE TRANSPORTATION.**

16 (a) **ASSESSMENT.**—The Maritime Administrator
17 shall assess the potential for using container-on-barge
18 transportation in short sea transportation (as such term
19 is defined in section 55605 of title 46, United States
20 Code).

21 (b) **FACTORS.**—In conducting the assessment under
22 subsection (a), the Administrator shall consider—

23 (1) the environmental benefits of increasing
24 container-on-barge movements in short sea transpor-
25 tation;

1 (2) the regional differences in the use of short
2 sea transportation;

3 (3) the existing programs established at coastal
4 and Great Lakes ports for establishing awareness of
5 deep sea shipping operations;

6 (4) the mechanisms necessary to ensure that
7 implementation of a plan under subsection (c) will
8 not be inconsistent with antitrust laws; and

9 (5) the potential frequency of container-on-
10 barge service at short sea transportation ports.

11 (c) **RECOMMENDATIONS.**—The assessment under
12 subsection (a) may include recommendations for a plan
13 to increase awareness of the potential for use of container-
14 on-barge transportation.

15 (d) **DEADLINE.**—Not later than 180 days after the
16 date of enactment of this title, the Administrator shall
17 submit the assessment required under this section to the
18 Committee on Commerce, Science, and Transportation of
19 the Senate and the Committee on Transportation and In-
20 frastructure of the House of Representatives.

21 **SEC. 3510. SHORT SEA TRANSPORTATION.**

22 (a) **PURPOSE.**—Section 55601 of title 46, United
23 States Code, is amended—

1 (1) in subsection (a), by striking “landside con-
2 gestion.” and inserting “landside congestion or to
3 promote short sea transportation.”;

4 (2) in subsection (c), by striking “coastal cor-
5 ridors” and inserting “coastal corridors or to pro-
6 mote short sea transportation”;

7 (3) in subsection (d), by striking “that the
8 project may” and all that follows through the end of
9 the subsection and inserting “that the project uses
10 documented vessels and—

11 “(1) mitigates landside congestion; or

12 “(2) promotes short sea transportation.”; and

13 (4) in subsection (f), by striking “shall” each
14 place it appears and inserting “may”.

15 (b) DOCUMENTATION.—Section 55605 of title 46,
16 United States Code, is amended in the matter preceding
17 paragraph (1) by striking “by vessel” and inserting “by
18 a documented vessel”.

19 **SEC. 3511. MARITIME ENVIRONMENTAL AND TECHNICAL**
20 **ASSISTANCE.**

21 (a) IN GENERAL.—Chapter 503 of title 46, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

1 **“§ 50307. Maritime environmental and technical as-**
2 **sistance**

3 “(a) IN GENERAL.—The Secretary of Transportation
4 may engage in the environmental study, research, develop-
5 ment, assessment, and deployment of emerging marine
6 technologies and practices related to the marine transpor-
7 tation system through the use of public vessels under the
8 control of the Maritime Administration or private vessels
9 under United States registry, and through partnerships
10 and cooperative efforts with academic, public, private, and
11 non-governmental entities and facilities.

12 “(b) REQUIREMENTS.—The Secretary of Transpor-
13 tation may—

14 “(1) identify, study, evaluate, test, demonstrate,
15 or improve emerging marine technologies and prac-
16 tices that are likely to achieve environmental im-
17 provements by—

18 “(A) reducing air emissions, water emis-
19 sions, or other ship discharges;

20 “(B) increasing fuel economy or the use of
21 alternative fuels and alternative energy (includ-
22 ing the use of shore power); or

23 “(C) controlling aquatic invasive species;
24 and

25 “(2) coordinate with the Environmental Protec-
26 tion Agency, the United States Coast Guard, and

1 other Federal, State, local, or tribal agencies, as ap-
2 propriate.

3 “(c) COORDINATION.—Coordination under subsection
4 (b)(2) may include—

5 “(1) activities that are associated with the de-
6 velopment or approval of validation and testing re-
7 gimes; and

8 “(2) certification or validation of emerging
9 technologies or practices that demonstrate signifi-
10 cant environmental benefits.

11 “(d) ASSISTANCE.—The Secretary of Transportation
12 may accept gifts, or enter into cooperative agreements,
13 contracts, or other agreements with academic, public, pri-
14 vate, and non-governmental entities to carry out the activi-
15 ties authorized under subsection (a).”.

16 (b) CONFORMING AMENDMENT.—The table of con-
17 tents for chapter 503 of title 46, United States Code, is
18 amended by inserting after the item relating to section
19 50306 the following:

“50307. Maritime environmental and technical assistance.”.

20 **SEC. 3512. IDENTIFICATION OF ACTIONS TO ENABLE**
21 **QUALIFIED UNITED STATES FLAG CAPACITY**
22 **TO MEET NATIONAL DEFENSE REQUIRE-**
23 **MENTS.**

24 Section 501(b) of title 46, United States Code, is
25 amended—

1 (1) by striking “When the head” and inserting
2 the following:

3 “(1) IN GENERAL.—When the head”; and

4 (2) by adding at the end the following:

5 “(2) DETERMINATIONS.—The Maritime Admin-
6 istrator shall—

7 “(A) for each determination referred to in
8 paragraph (1), identify any actions that could
9 be taken to enable qualified United States flag
10 capacity to meet national defense requirements;

11 “(B) provide notice of each such deter-
12 mination to the Secretary of Transportation
13 and the head of the agency referred to in para-
14 graph (1) for which the determination is made;
15 and

16 “(C) publish each such determination on
17 the Internet Web site of the Department of
18 Transportation not later than 48 hours after
19 notice of the determination is provided to the
20 Secretary of Transportation.

21 “(3) NOTICE TO CONGRESS.—

22 “(A) IN GENERAL.—The head of an agen-
23 cy referred to in paragraph (1) shall notify the
24 Committee on Transportation and Infrastruc-
25 ture and the Committee on Armed Services of

1 the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transpor-
3 tation and the Committee on Armed Services of
4 the Senate—

5 “(i) of any request for a waiver of the
6 navigation or vessel-inspection laws under
7 this section not later than 48 hours after
8 receiving such a request; and

9 “(ii) of the issuance of any such waiv-
10 er not later than 48 hours after such
11 issuance.

12 “(B) CONTENTS.—Such head of an agency
13 shall include in each notification under subpara-
14 graph (A)(ii) an explanation of—

15 “(i) the reasons the waiver is nec-
16 essary; and

17 “(ii) the reasons actions referred to in
18 paragraph (2)(A) are not feasible.”.

19 **SEC. 3513. MARITIME WORKFORCE STUDY.**

20 (a) TRAINING STUDY.—The Comptroller General of
21 the United States shall conduct a study on the training
22 needs of the maritime workforce.

23 (b) STUDY COMPONENTS.—The study shall—

24 (1) analyze the impact of maritime training re-
25 quirements imposed by domestic and international

1 regulations and conventions, companies, and govern-
2 ment agencies that charter or operate vessels;

3 (2) evaluate the ability of the United States
4 maritime training infrastructure to meet the needs
5 of the maritime industry;

6 (3) identify trends in maritime training;

7 (4) compare the training needs of United States
8 mariners with the vocational training and edu-
9 cational assistance programs available from Federal
10 agencies to evaluate the ability of Federal programs
11 to meet the training needs of United States mari-
12 ners;

13 (5) include recommendations to enhance the ca-
14 pabilities of the United States maritime training in-
15 frastructure; and

16 (6) include recommendations to assist United
17 States mariners and those entering the maritime
18 profession to achieve the required training.

19 (c) FINAL REPORT.—Not later than 1 year after the
20 date of enactment of this title, the Comptroller General
21 shall submit a report on the results of the study to the
22 Committee on Commerce, Science, and Transportation
23 and the Committee on Armed Services of the Senate and
24 the Committee on Transportation and Infrastructure and

1 the Committee on Armed Services of the House of Rep-
2 resentatives.

3 **SEC. 3514. MARITIME ADMINISTRATION VESSEL RECY-**
4 **CLING CONTRACT AWARD PRACTICES.**

5 (a) IN GENERAL.—Not later than 12 months after
6 the date of enactment of this title, the Comptroller Gen-
7 eral of the United States shall conduct an assessment of
8 the source selection procedures and practices used to
9 award the Maritime Administration’s National Defense
10 Reserve Fleet vessel recycling contracts. The Comptroller
11 General shall assess the process, procedures, and practices
12 used for the Maritime Administration’s qualification of
13 vessel recycling facilities. The Comptroller General shall
14 report the findings to the Committee on Commerce,
15 Science, and Transportation and the Committee on Armed
16 Services of the Senate, and the Committee on Transpor-
17 tation and Infrastructure and the Committee on Armed
18 Services of the House of Representatives.

19 (b) ASSESSMENT.—The assessment under subsection
20 (a) shall include a review of whether the Maritime Admin-
21 istration’s contract source selection procedures and prac-
22 tices are consistent with law, the Federal Acquisition Reg-
23 ulation (FAR), and Federal best practices associated with
24 making source selection decisions.

1 (c) CONSIDERATIONS.—In making the assessment
2 under subsection (a), the Comptroller General may con-
3 sider any other aspect of the Maritime Administration’s
4 vessel recycling process that the Comptroller General
5 deems appropriate to review.

6 **SEC. 3515. REQUIREMENT FOR BARGE DESIGN.**

7 Not later than 270 days after the date of enactment
8 of this title, the Maritime Administrator shall complete the
9 design for a containerized, articulated barge, as identified
10 in the dual-use vessel study carried out by the Adminis-
11 trator and the Secretary of Defense, that is able to utilize
12 roll-on/roll-off or load-on/load-off technology in marine
13 highway maritime commerce.

14 **SEC. 3516. ELIGIBILITY TO RECEIVE SURPLUS TRAINING**
15 **EQUIPMENT.**

16 Section 51103(b)(2)(C) of title 46, United States
17 Code, is amended by inserting “or a training institution
18 that is an instrumentality of a State, Territory, or Com-
19 monwealth of the United States or District of Columbia
20 or a unit of local government thereof” after “a nonprofit
21 training institution”.

22 **SEC. 3517. COORDINATION WITH OTHER LAWS.**

23 (a) EARLIER ENACTMENT OF COAST GUARD AND
24 MARITIME TRANSPORTATION ACT OF 2012.—If the date
25 of the enactment of the Coast Guard and Maritime Trans-

1 portation Act of 2012 (H.R. 2838, 112th Congress) is be-
2 fore the date of the enactment of this Act:

3 (1) Sections 3501, 3503 through 3507, and
4 3509 through 3516 of this Act, and any amend-
5 ments made by those sections, shall not go into ef-
6 fect.

7 (2) Section 501(b)(3)(A) of title 46, United
8 States Code (as added by section 301(2) of the
9 Coast Guard and Maritime Transportation Act of
10 2012), is amended by striking “the Committee on
11 Transportation and Infrastructure of the House of
12 Representatives and the Committee on Commerce,
13 Science, and Transportation of the Senate” and in-
14 sserting “the Committee on Transportation and In-
15 frastructure and the Committee on Armed Services
16 of the House of Representatives and the Committee
17 on Commerce, Science, and Transportation and the
18 Committee on Armed Services of the Senate”.

19 (3) Section 414(c) of the Coast Guard and
20 Maritime Transportation Act of 2012 is amended by
21 striking “the Committee on Commerce, Science, and
22 Transportation of the Senate and the Committee on
23 Transportation and Infrastructure of the House of
24 Representatives” and inserting “the Committee on
25 Commerce, Science, and Transportation and the

1 Committee on Armed Services of the Senate and the
2 Committee on Transportation and Infrastructure
3 and the Committee on Armed Services of the House
4 of Representatives”.

5 (b) LATER ENACTMENT OF COAST GUARD AND MAR-
6 ITIME TRANSPORTATION ACT OF 2012.—If the date of the
7 enactment of the Coast Guard and Maritime Transpor-
8 tation Act of 2012 (H.R. 2838, 112th Congress) is after
9 the date of the enactment of this Act, sections 301, 402
10 through 408, 410 through 412, 414, and 415 of such Act,
11 and any amendments made by those sections, shall not
12 go into effect.

13 **DIVISION D—FUNDING TABLES**

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency
operations.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.

Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.

Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.

Sec. 4602. Military construction for overseas contingency operations.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy National Security programs.

1 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**
2 **BLES.**

3 (a) IN GENERAL.—Whenever a funding table in this
4 division specifies a dollar amount authorized for a project,
5 program, or activity, the obligation and expenditure of the
6 specified dollar amount for the project, program, or activ-
7 ity is hereby authorized, subject to the availability of ap-
8 propriations.

9 (b) MERIT-BASED DECISIONS.—A decision to com-
10 mit, obligate, or expend funds with or to a specific entity
11 on the basis of a dollar amount authorized pursuant to
12 subsection (a) shall—

13 (1) be based on merit-based selection proce-
14 dures in accordance with the requirements of sec-
15 tions 2304(k) and 2374 of title 10, United States
16 Code, or on competitive procedures; and

17 (2) comply with other applicable provisions of
18 law.

19 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
20 MING AUTHORITY.—An amount specified in the funding
21 tables in this division may be transferred or repro-

1 grammed under a transfer or reprogramming authority
 2 provided by another provision of this Act or by other law.
 3 The transfer or reprogramming of an amount specified in
 4 such funding tables shall not count against a ceiling on
 5 such transfers or reprogrammings under section 1001 or
 6 section 1522 of this Act or any other provision of law,
 7 unless such transfer or reprogramming would move funds
 8 between appropriation accounts.

9 (d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This
 10 section applies to any classified annex that accompanies
 11 this Act.

12 (e) **ORAL AND WRITTEN COMMUNICATIONS.**—No
 13 oral or written communication concerning any amount
 14 specified in the funding tables in this division shall super-
 15 sede the requirements of this section.

16 **TITLE XLI—PROCUREMENT**

17 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
001	UTILITY F/W AIRCRAFT	18,639	18,639
003	MQ-1 UAV	518,088	518,088
004	RQ-11 (RAVEN)	25,798	25,798
ROTARY			
006	HELICOPTER, LIGHT UTILITY (LUH)	271,983	271,983
007	AH-64 APACHE BLOCK IIIA REMAN	577,115	577,115
008	ADVANCE PROCUREMENT (CY)	107,707	107,707
009	AH-64 APACHE BLOCK IIIB NEW BUILD	153,993	153,993
010	ADVANCE PROCUREMENT (CY)	146,121	146,121
013	UH-60 BLACKHAWK M MODEL (MYP)	1,107,087	1,107,087
014	ADVANCE PROCUREMENT (CY)	115,113	115,113
015	CH-47 HELICOPTER	1,076,036	1,076,036
016	ADVANCE PROCUREMENT (CY)	83,346	83,346
MODIFICATION OF AIRCRAFT			
018	MQ-1 PAYLOAD—UAS	231,508	231,508
020	GUARDRAIL MODS (MIP)	16,272	16,272
021	MULTI SENSOR ABN RECON (MIP)	4,294	4,294
022	AH-64 MODS	178,805	178,805
023	CH-47 CARGO HELICOPTER MODS (MYP)	39,135	39,135
024	UTILITY/CARGO AIRPLANE MODS	24,842	24,842
026	UTILITY HELICOPTER MODS	73,804	73,804
027	KIOWA WARRIOR MODS	192,484	192,484

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
029	NETWORK AND MISSION PLAN	190,789	190,789
030	COMMS, NAV SURVEILLANCE	133,191	133,191
031	GATM ROLLUP	87,280	87,280
032	RQ-7 UAV MODS	104,339	104,339
GROUND SUPPORT AVIONICS			
034	AIRCRAFT SURVIVABILITY EQUIPMENT	34,037	34,037
036	CMWS	127,751	127,751
OTHER SUPPORT			
037	AVIONICS SUPPORT EQUIPMENT	4,886	4,886
038	COMMON GROUND EQUIPMENT	82,511	82,511
039	AIRCREW INTEGRATED SYSTEMS	77,381	77,381
040	AIR TRAFFIC CONTROL	47,235	47,235
041	INDUSTRIAL FACILITIES	1,643	1,643
042	LAUNCHER, 2.75 ROCKET	516	516
TOTAL AIRCRAFT PROCUREMENT, ARMY		5,853,729	5,853,729
MISSILE PROCUREMENT, ARMY			
SURFACE-TO-AIR MISSILE SYSTEM			
001	PATRIOT SYSTEM SUMMARY	646,590	696,590
	Additional PAC-3 missiles		[50,000]
002	MSE MISSILE	12,850	12,850
AIR-TO-SURFACE MISSILE SYSTEM			
004	HELLFIRE SYS SUMMARY	1,401	1,401
ANTI-TANK/ASSAULT MISSILE SYS			
005	JAVELIN (AAWS-M) SYSTEM SUMMARY	81,121	81,121
006	TOW 2 SYSTEM SUMMARY	64,712	64,712
007	ADVANCE PROCUREMENT (CY)	19,931	19,931
008	GUIDED MLRS ROCKET (GMLRS)	218,679	218,679
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,767	18,767
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	12,051	12,051
MODIFICATIONS			
011	PATRIOT MODS	199,565	199,565
013	MLRS MODS	2,466	2,466
014	HIMARS MODIFICATIONS	6,068	6,068
SPARES AND REPAIR PARTS			
016	SPARES AND REPAIR PARTS	7,864	7,864
SUPPORT EQUIPMENT & FACILITIES			
017	AIR DEFENSE TARGETS	3,864	3,864
018	ITEMS LESS THAN \$5 MILLION (MISSILES)	1,560	1,560
019	PRODUCTION BASE SUPPORT	5,200	5,200
TOTAL MISSILE PROCUREMENT, ARMY		1,302,689	1,352,689
PROCUREMENT OF W&TCV, ARMY			
TRACKED COMBAT VEHICLES			
001	STRYKER VEHICLE	286,818	286,818
MODIFICATION OF TRACKED COMBAT VEHICLES			
003	STRYKER (MOD)	60,881	60,881
004	FIST VEHICLE (MOD)	57,257	57,257
005	BRADLEY PROGRAM (MOD)	148,193	288,193
	Program increase		[140,000]
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)	10,341	10,341
007	PALADIN PIM MOD IN SERVICE	206,101	206,101
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	107,909	169,909
	Program increase		[62,000]
009	ASSAULT BREACHER VEHICLE	50,039	50,039
010	M88 FOV MODS	29,930	29,930
011	M1 ABRAMS TANK (MOD)	129,090	129,090
012	ABRAMS UPGRADE PROGRAM	74,433	210,433
	Program increase		[136,000]
SUPPORT EQUIPMENT & FACILITIES			
013	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,145	1,145
WEAPONS & OTHER COMBAT VEHICLES			
014	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	506	506
017	LIGHTWEIGHT .50 CALIBER MACHINE GUN	25,183	0
	Program termination		[-25,183]
019	MORTAR SYSTEMS	8,104	8,104
021	XM320 GRENADE LAUNCHER MODULE (GLM)	14,096	14,096
024	CARBINE	21,272	21,272
025	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,598	6,598
026	COMMON REMOTELY OPERATED WEAPONS STATION	56,725	56,725
027	HOWITZER LT WT 155MM (T)	13,827	13,827
MOD OF WEAPONS AND OTHER COMBAT VEH			
029	M777 MODS	26,843	26,843
030	M4 CARBINE MODS	27,243	27,243
031	M2 50 CAL MACHINE GUN MODS	39,974	39,974
032	M249 SAW MACHINE GUN MODS	4,996	4,996
033	M240 MEDIUM MACHINE GUN MODS	6,806	6,806
034	SNIPER RIFLES MODIFICATIONS	14,113	14,113

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
035	M119 MODIFICATIONS	20,727	20,727
036	M16 RIFLE MODS	3,306	3,306
037	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)	3,072	3,072
SUPPORT EQUIPMENT & FACILITIES			
038	ITEMS LESS THAN \$5 MILLION (WOCV-WTCV)	2,026	2,026
039	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,115	10,115
040	INDUSTRIAL PREPAREDNESS	442	442
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,378	2,378
SPARES			
042	SPARES AND REPAIR PARTS (WTCV)	31,217	31,217
TOTAL PROCUREMENT OF W&TCV, ARMY		1,501,706	1,814,523
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
001	CTG, 5.56MM, ALL TYPES	158,313	123,513
	Unit cost savings		[-34,800]
002	CTG, 7.62MM, ALL TYPES	91,438	91,438
003	CTG, HANDGUN, ALL TYPES	8,954	8,954
004	CTG, .50 CAL, ALL TYPES	109,604	109,604
005	CTG, 20MM, ALL TYPES	4,041	4,041
006	CTG, 25MM, ALL TYPES	12,654	12,654
007	CTG, 30MM, ALL TYPES	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round		[-18,000]
008	CTG, 40MM, ALL TYPES	60,138	0
	Decrease for excess		[-60,138]
MORTAR AMMUNITION			
009	60MM MORTAR, ALL TYPES	44,375	44,375
010	81MM MORTAR, ALL TYPES	27,471	27,471
011	120MM MORTAR, ALL TYPES	87,811	87,811
TANK AMMUNITION			
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	112,380	112,380
ARTILLERY AMMUNITION			
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	50,861	50,861
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	26,227	26,227
015	PROJ 155MM EXTENDED RANGE XM982	110,329	55,329
	Excalibur I-b round schedule delay		[-55,000]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	43,924	43,924
MINES			
017	MINES & CLEARING CHARGES, ALL TYPES	3,775	3,775
NETWORKED MUNITIONS			
018	SPIDER NETWORK MUNITIONS, ALL TYPES	17,408	17,408
ROCKETS			
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	1,005	1,005
020	ROCKET, HYDRA 70, ALL TYPES	123,433	123,433
OTHER AMMUNITION			
021	DEMOLITION MUNITIONS, ALL TYPES	35,189	35,189
022	GRENADES, ALL TYPES	33,477	33,477
023	SIGNALS, ALL TYPES	9,991	9,991
024	SIMULATORS, ALL TYPES	10,388	10,388
MISCELLANEOUS			
025	AMMO COMPONENTS, ALL TYPES	19,383	19,383
026	NON-LETHAL AMMUNITION, ALL TYPES	7,336	7,336
027	CAD/PAD ALL TYPES	6,641	6,641
028	ITEMS LESS THAN \$5 MILLION	15,092	15,092
029	AMMUNITION PECULIAR EQUIPMENT	15,692	15,692
030	FIRST DESTINATION TRANSPORTATION (AMMO)	14,107	14,107
031	CLOSEOUT LIABILITIES	106	106
PRODUCTION BASE SUPPORT			
032	PROVISION OF INDUSTRIAL FACILITIES	220,171	220,171
033	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	182,461	182,461
034	ARMS INITIATIVE	3,377	3,377
TOTAL PROCUREMENT OF AMMUNITION, ARMY		1,739,706	1,571,768
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
001	SEMITRAILERS, FLATBED:	7,097	7,097
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	346,115	346,115
003	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	19,292	19,292
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	52,933	52,933
005	PLS ESP	18,035	18,035
009	TRUCK, TRACTOR, LINE HAUL, M915/M916	3,619	3,619
010	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	26,859	26,859
012	TACTICAL WHEELED VEHICLE PROTECTION KITS	69,163	69,163
013	MODIFICATION OF IN SVC EQUIP	91,754	91,754
NON-TACTICAL VEHICLES			
018	PASSENGER CARRYING VEHICLES	2,548	2,548
019	NONTACTICAL VEHICLES, OTHER	16,791	16,791

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
COMM—JOINT COMMUNICATIONS			
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	10,061	10,061
021	WIN-T—GROUND FORCES TACTICAL NETWORK	892,635	872,635
	Program adjustment		[-20,000]
022	SIGNAL MODERNIZATION PROGRAM	45,626	45,626
023	JCSE EQUIPMENT (USREDCOM)	5,143	5,143
COMM—SATELLITE COMMUNICATIONS			
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	151,636	151,636
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	6,822	6,822
026	SHF TERM	9,108	9,108
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	27,353	27,353
029	SMART-T (SPACE)	98,656	98,656
031	GLOBAL BRDCST SVC—GBS	47,131	47,131
032	MOD OF IN-SVC EQUIP (TAC SAT)	23,281	23,281
COMM—C3 SYSTEM			
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	10,848	10,848
COMM—COMBAT COMMUNICATIONS			
035	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	979	979
036	JOINT TACTICAL RADIO SYSTEM	556,250	366,250
	Funding ahead of need		[-190,000]
037	MID-TIER NETWORKING VEHICULAR RADIO (MNVN)	86,219	86,219
038	RADIO TERMINAL SET, MIDS LVT(2)	7,798	7,798
039	SINGGARS FAMILY	9,001	9,001
040	AMC CRITICAL ITEMS—OPA2	24,601	24,601
041	TRACTOR DESK	7,779	7,779
043	SPIDER APLA REMOTE CONTROL UNIT	34,365	24,365
	Funding ahead of need		[-10,000]
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,833	1,833
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	12,984	12,984
047	GUNSHOT DETECTION SYSTEM (GDS)	2,332	2,332
048	RADIO, IMPROVED HF (COTS) FAMILY	1,132	1,132
049	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	22,899	22,899
COMM—INTELLIGENCE COMM			
051	CI AUTOMATION ARCHITECTURE	1,564	1,564
052	RESERVE CA/MISO GPF EQUIPMENT	28,781	28,781
INFORMATION SECURITY			
053	TSEC—ARMY KEY MGT SYS (AKMS)	23,432	23,432
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	43,897	43,897
COMM—LONG HAUL COMMUNICATIONS			
056	TERRESTRIAL TRANSMISSION	2,891	2,891
057	BASE SUPPORT COMMUNICATIONS	13,872	13,872
058	WW TECH CON IMP PROG (WWTCIP)	9,595	9,595
COMM—BASE COMMUNICATIONS			
059	INFORMATION SYSTEMS	142,133	142,133
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.....	57,727	57,727
062	PENTAGON INFORMATION MGT AND TELECOM	5,000	5,000
ELECT EQUIP—TACT INT REL ACT (TIARA)			
065	JTT/CIBS-M	1,641	1,641
066	PROPHET GROUND	48,797	48,797
069	DCGS-A (MIP)	184,007	184,007
070	JOINT TACTICAL GROUND STATION (JTAGS)	2,680	2,680
071	TROJAN (MIP)	21,483	21,483
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	2,412	2,412
073	CI HUMINT AUTO REPRINTING AND COLLECTION	7,077	7,077
ELECT EQUIP—ELECTRONIC WARFARE (EW)			
075	LIGHTWEIGHT COUNTER MORTAR RADAR	72,594	72,594
076	CREW	15,446	15,446
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,470	1,470
079	CI MODERNIZATION	1,368	1,368
ELECT EQUIP—TACTICAL SURV. (TAC SURV)			
080	FAAD GBS	7,980	7,980
081	SENTINEL MODS	33,444	33,444
082	SENSE THROUGH THE WALL (STTW)	6,212	0
	Slow execution of prior years appropriations		[-6,212]
083	NIGHT VISION DEVICES	166,516	166,516
085	NIGHT VISION, THERMAL WPN SIGHT	82,162	82,162
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	20,717	20,717
089	GREEN LASER INTERDICTION SYSTEM (GLIS)	1,014	1,014
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	29,881	29,881
091	PROFILER	12,482	12,482
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,075	3,075
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	141,385	141,385
096	MOD OF IN-SVC EQUIP (LLDR)	22,403	22,403
098	MORTAR FIRE CONTROL SYSTEM	29,505	29,505
099	COUNTERFIRE RADARS	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD) ENHANCED SEN- SOR & MONITORING SYSTEM (WMD)	2,426	2,426
ELECT EQUIP—TACTICAL C2 SYSTEMS			

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
101	TACTICAL OPERATIONS CENTERS	30,196	30,196
102	FIRE SUPPORT C2 FAMILY	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	8,111	8,111
104	FAAD C2	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS	64,144	64,144
106	KNIGHT FAMILY	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS)	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,209	15,209
	ELECT EQUIP—AUTOMATION		
115	ARMY TRAINING MODERNIZATION	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM	9,184	9,184
118	CSS COMMUNICATIONS	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS)	35,493	35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN \$5 MILLION (A/V)	8,467	8,467
121	ITEMS LESS THAN \$5 MILLION	5,309	5,309
	ELECT EQUIP—SUPPORT		
122	PRODUCTION BASE SUPPORT (C-E)	586	586
	CLASSIFIED PROGRAMS		
124A	CLASSIFIED PROGRAMS	3,435	3,435
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS)	4,374	4,374
128	CBRN SOLDIER PROTECTION	9,259	9,259
	BRIDGING EQUIPMENT		
130	TACTICAL BRIDGING	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON	32,893	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	25,459	25,459
136	REMOTE DEMOLITION SYSTEMS	8,044	8,044
137	< \$5M, COUNTERMINE EQUIPMENT	3,698	3,698
	COMBAT SERVICE SUPPORT EQUIPMENT		
138	HEATERS AND ECU'S	12,210	12,210
139	SOLDIER ENHANCEMENT	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	11,222	11,222
141	GROUND SOLDIER SYSTEM	103,317	103,317
144	FIELD FEEDING EQUIPMENT	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	31,573	31,573
148	ITEMS LESS THAN \$5 MILLION	14,093	14,093
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	36,266	36,266
	MEDICAL EQUIPMENT		
150	COMBAT SUPPORT MEDICAL	34,101	34,101
151	MEDEVAC MISSION EQUIPMENT PACKAGE (MEP)	20,540	20,540
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	2,495	2,495
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,028	2,028
156	SCRAPERS, EARTHMOVING	6,146	6,146
157	MISSION MODULES—ENGINEERING	31,200	31,200
161	TRACTOR, FULL TRACKED	20,867	20,867
162	ALL TERRAIN CRANES	4,003	4,003
163	PLANT, ASPHALT MIXING	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	13,725	13,725
166	CONST EQUIP ESP	13,351	13,351
167	ITEMS LESS THAN \$5 MILLION (CONST EQUIP)	9,134	9,134
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
170	ITEMS LESS THAN \$5 MILLION (FLOAT/RAIL)	10,552	10,552
	GENERATORS		
171	GENERATORS AND ASSOCIATED EQUIP	60,302	60,302
	MATERIAL HANDLING EQUIPMENT		
173	FAMILY OF FORKLIFTS	5,895	5,895
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	4,056	4,056
	TEST MEASURE AND DIG EQUIPMENT (TMD)		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
180	CALIBRATION SETS EQUIPMENT	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD)	24,334	24,334
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3)	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH)	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING	12,920	12,920
189	AMC CRITICAL ITEMS OPA3	19,180	19,180
190	TRACTOR YARD	7,368	7,368
191	UNMANNED GROUND VEHICLE	83,937	83,937
	OPA2		
193	INITIAL SPARES—C&E	64,507	64,507
	PRIOR YEAR SAVINGS		
	UNDISTRIBUTED		
194	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM		52,000
	Army requested transfer from Operation and Maintenance, Army, line 100		[52,000]
	TOTAL OTHER PROCUREMENT, ARMY	6,326,245	6,152,033
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	227,414	0
	Transfer of funds to title 15		[-227,414]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	227,414	0
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	EA-18G	1,027,443	1,014,443
	Engine cost growth		[-13,000]
002	ADVANCE PROCUREMENT (CY)		45,000
	Program increase		[45,000]
003	F/A-18E/F (FIGHTER) HORNET	2,035,131	2,017,131
	Engine cost growth		[-12,000]
	Engineering Change Order excess funding		[-6,000]
004	ADVANCE PROCUREMENT (CY)	30,296	30,296
005	JOINT STRIKE FIGHTER CV	1,007,632	988,832
	Excessive weapon system unit cost increase		[-18,800]
006	ADVANCE PROCUREMENT (CY)	65,180	65,180
007	JSF STOVL	1,404,737	1,345,937
	Excessive weapon system unit cost increase		[-58,800]
008	ADVANCE PROCUREMENT (CY)	106,199	106,199
009	V-22 (MEDIUM LIFT)	1,303,120	1,291,380
	Flyaway unit cost savings		[-11,740]
010	ADVANCE PROCUREMENT (CY)	154,202	154,202
011	H-1 UPGRADES (UH-1Y/AH-1Z)	720,933	720,933
012	ADVANCE PROCUREMENT (CY)	69,658	69,658
013	MH-60S (MYP)	384,792	384,792
014	ADVANCE PROCUREMENT (CY)	69,277	69,277
015	MH-60R (MYP)	656,866	826,866
	Cruiser Retention—Restore 5 helicopters		[170,000]
016	ADVANCE PROCUREMENT (CY)	185,896	185,896
017	P-SA POSEIDON	2,420,755	2,387,052
	Excess to need		[-33,703]
018	ADVANCE PROCUREMENT (CY)	325,679	325,679
019	E-2D ADV HAWKEYE	861,498	861,498
020	ADVANCE PROCUREMENT (CY)	123,179	123,179
	TRAINER AIRCRAFT		
022	JPATS	278,884	268,784
	Airframe cost growth		[-10,100]
	OTHER AIRCRAFT		
023	KC-130J	3,000	3,000
024	ADVANCE PROCUREMENT (CY)	22,995	22,995
025	ADVANCE PROCUREMENT (CY)—RQ-4 UAV	51,124	51,124
026	MQ-8 UAV	124,573	124,573
027	STUASLO UAV	9,593	9,593
	MODIFICATION OF AIRCRAFT		
028	EA-6 SERIES	30,062	30,062
029	AEA SYSTEMS	49,999	49,999
030	AV-8 SERIES	38,703	38,703
031	ADVERSARY	4,289	4,289
032	F-18 SERIES	647,306	639,306
	ILS growth (OSIP 11-84)		[-5,000]
	Other support funding growth (OSIP 001-10)		[-3,000]
033	H-46 SERIES	2,343	2,343
034	AH-1W SERIES	8,721	8,721
035	H-53 SERIES	45,567	42,367

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	Other Support cost growth		[-3,200]
036	SH-60 SERIES	83,527	83,527
037	H-1 SERIES	6,508	6,508
038	EP-3 SERIES	66,374	66,374
039	P-3 SERIES	148,405	148,405
040	E-2 SERIES	16,322	16,322
041	TRAINER A/C SERIES	34,284	34,284
042	C-2A	4,743	4,743
043	C-130 SERIES	60,302	60,302
044	FEWSG	670	670
045	CARGO/TRANSPORT A/C SERIES	26,311	26,311
046	E-6 SERIES	158,332	155,842
	SLEP kit installation cost growth (OSIP 003-07)		[-2,490]
047	EXECUTIVE HELICOPTERS SERIES	58,163	58,163
048	SPECIAL PROJECT AIRCRAFT	12,421	12,421
049	T-45 SERIES	64,488	59,488
	Avionics Obsolescence kit cost growth		[-2,000]
	Synthetic Radar kit cost growth		[-3,000]
050	POWER PLANT CHANGES	21,569	21,569
051	JPATS SERIES	1,552	1,552
052	AVIATION LIFE SUPPORT MODS	2,473	2,473
053	COMMON ECM EQUIPMENT	114,690	114,690
054	COMMON AVIONICS CHANGES	96,183	96,183
056	ID SYSTEMS	39,846	39,846
057	P-8 SERIES	5,302	5,302
058	MAGTF EW FOR AVIATION	34,127	34,127
059	RQ-7 SERIES	49,324	49,324
060	V-22 (TILT/ROTOR ACFT) OSPREY	95,856	95,856
	AIRCRAFT SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	1,166,430	1,132,430
	Spares cost growth- F-35C, F-35B, E-2D		[-34,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT	387,195	387,195
063	AIRCRAFT INDUSTRIAL FACILITIES	23,469	23,469
064	WAR CONSUMABLES	43,383	43,383
065	OTHER PRODUCTION CHARGES	3,399	3,399
066	SPECIAL SUPPORT EQUIPMENT	32,274	32,274
067	FIRST DESTINATION TRANSPORTATION	1,742	1,742
	TOTAL AIRCRAFT PROCUREMENT, NAVY	17,129,296	17,127,463
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,224,683	1,214,683
	Tooling, test/support equipment growth		[-10,000]
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	5,553	5,553
	STRATEGIC MISSILES		
003	TOMAHAWK	308,970	298,970
	Contract Savings		[-10,000]
	TACTICAL MISSILES		
004	AMRAAM	102,683	97,390
	Captive air training missile cost growth		[-5,293]
005	SIDEWINDER	80,226	74,267
	All Up Round Missile Cost Growth		[-3,847]
	Captive Air Training Missile Cost Growth		[-2,112]
006	JSOW	127,609	127,609
007	STANDARD MISSILE	399,482	399,482
008	RAM	66,769	66,769
009	HELLFIRE	74,501	74,501
011	AERIAL TARGETS	61,518	61,518
012	OTHER MISSILE SUPPORT	3,585	3,585
	MODIFICATION OF MISSILES		
013	ESSM	58,194	58,194
014	HARM MODS	86,721	86,721
	SUPPORT EQUIPMENT & FACILITIES		
016	WEAPONS INDUSTRIAL FACILITIES	2,014	2,014
017	FLEET SATELLITE COMM FOLLOW-ON	21,454	21,454
	ORDNANCE SUPPORT EQUIPMENT		
018	ORDNANCE SUPPORT EQUIPMENT	54,945	54,945
	TORPEDOES AND RELATED EQUIP		
019	SSTD	2,700	2,700
020	ASW TARGETS	10,385	10,385
	MOD OF TORPEDOES AND RELATED EQUIP		
021	MK-54 TORPEDO MODS	74,487	74,487
022	MK-48 TORPEDO ADCAP MODS	54,281	54,281
023	QUICKSTRIKE MINE	6,852	6,852
	SUPPORT EQUIPMENT		
024	TORPEDO SUPPORT EQUIPMENT	46,402	46,402

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
025	ASW RANGE SUPPORT	11,927	11,927
	DESTINATION TRANSPORTATION		
026	FIRST DESTINATION TRANSPORTATION	3,614	3,614
	GUNS AND GUN MOUNTS		
027	SMALL ARMS AND WEAPONS	12,594	12,594
	MODIFICATION OF GUNS AND GUN MOUNTS		
028	CIWS MODS	59,303	67,003
	Buy additional ordnance alteration kits		[7,700]
029	COAST GUARD WEAPONS	19,072	19,072
030	GUN MOUNT MODS	54,706	54,706
031	CRUISER MODERNIZATION WEAPONS	1,591	19,622
	Cruiser retention—57/62 Upgrade		[18,031]
032	AIRBORNE MINE NEUTRALIZATION SYSTEMS	20,607	20,607
	SPARES AND REPAIR PARTS		
034	SPARES AND REPAIR PARTS	60,150	60,150
	TOTAL WEAPONS PROCUREMENT, NAVY	3,117,578	3,112,057
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
001	CARRIER REPLACEMENT PROGRAM	608,195	605,295
	SEWIP block 2 growth		[-2,900]
003	VIRGINIA CLASS SUBMARINE	3,217,601	3,217,601
004	ADVANCE PROCUREMENT (CY)	874,878	1,652,557
	Advance procurement for 2nd SSN in FY 14		[777,679]
005	CVN REFUELING OVERHAULS	1,613,392	1,517,292
	Program decrease		[-96,100]
006	ADVANCE PROCUREMENT (CY)	70,010	70,010
008	DDG 1000	669,222	669,222
009	DDG-51	3,048,658	3,048,658
010	ADVANCE PROCUREMENT (CY)	466,283	466,283
011	LITTORAL COMBAT SHIP	1,784,959	1,784,959
	AMPHIBIOUS SHIPS		
015	JOINT HIGH SPEED VESSEL	189,196	189,196
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
017	ADVANCE PROCUREMENT (CY)	307,300	307,300
018	OUTFITTING	309,648	309,648
020	LCAC SLEP	47,930	47,930
021	COMPLETION OF PY SHIPBUILDING PROGRAMS	372,573	372,573
	TOTAL SHIPBUILDING & CONVERSION, NAVY	13,579,845	14,258,524
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	27,024	27,024
002	AIRBORNE ROCKETS, ALL TYPES	56,575	56,575
003	MACHINE GUN AMMUNITION	21,266	21,266
004	PRACTICE BOMBS	34,319	34,319
005	CARTRIDGES & CART ACTUATED DEVICES	53,755	53,755
006	AIR EXPENDABLE COUNTERMEASURES	61,693	60,693
	ALE-55 cost growth		[-1,000]
007	JATOS	2,776	2,776
008	LRLAP 6" LONG RANGE ATTACK PROJECTILE	7,102	7,102
009	5 INCH/54 GUN AMMUNITION	48,320	48,320
010	INTERMEDIATE CALIBER GUN AMMUNITION	25,544	25,544
011	OTHER SHIP GUN AMMUNITION	41,624	38,884
	30MM x 173 linked cartridge contract delay		[-2,740]
012	SMALL ARMS & LANDING PARTY AMMO	65,893	65,247
	M18A1 mine cost growth		[-646]
013	PYROTECHNIC AND DEMOLITION	11,176	11,176
014	AMMUNITION LESS THAN \$5 MILLION	4,116	4,116
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	83,733	83,733
016	LINEAR CHARGES, ALL TYPES	24,645	24,645
017	40 MM, ALL TYPES	16,201	16,201
019	81MM, ALL TYPES	13,711	3,711
	Excess to need		[-10,000]
020	120MM, ALL TYPES	12,557	12,557
022	GRENADES, ALL TYPES	7,634	7,134
	Excess to need		[-500]
023	ROCKETS, ALL TYPES	27,528	27,528
024	ARTILLERY, ALL TYPES	93,065	76,459
	Prior year funds available		[-16,606]
025	DEMOLITION MUNITIONS, ALL TYPES	2,047	0
	Excess to need		[-2,047]
026	FUZE, ALL TYPES	5,297	5,297
027	NON LETHALS	1,362	1,362
028	AMMO MODERNIZATION	4,566	4,566
029	ITEMS LESS THAN \$5 MILLION	6,010	6,010
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	759,539	726,000

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
OTHER PROCUREMENT, NAVY			
SHIP PROPULSION EQUIPMENT			
001	LM-2500 GAS TURBINE	10,658	10,658
002	ALLISON 501K GAS TURBINE	8,469	8,469
NAVIGATION EQUIPMENT			
003	OTHER NAVIGATION EQUIPMENT	23,392	23,392
PERISCOPES			
004	SUB PERISCOPES & IMAGING EQUIP	53,809	53,809
OTHER SHIPBOARD EQUIPMENT			
005	DDG MOD	452,371	452,371
006	FIREFIGHTING EQUIPMENT	16,958	16,958
007	COMMAND AND CONTROL SWITCHBOARD	2,492	2,492
008	POLLUTION CONTROL EQUIPMENT	20,707	20,707
009	SUBMARINE SUPPORT EQUIPMENT	12,046	12,046
010	VIRGINIA CLASS SUPPORT EQUIPMENT	79,870	79,870
011	LCS CLASS SUPPORT EQUIPMENT	19,865	19,865
012	SUBMARINE BATTERIES	41,522	41,522
013	LPD CLASS SUPPORT EQUIPMENT	30,543	30,543
014	STRATEGIC PLATFORM SUPPORT EQUIP	16,257	16,257
015	DSSP EQUIPMENT	3,630	3,630
016	CG MODERNIZATION	101,000	184,972
	Cruiser retention		[83,972]
017	LCAC	16,645	16,645
018	UNDERWATER EOD PROGRAMS	35,446	35,446
019	ITEMS LESS THAN \$5 MILLION	65,998	65,998
020	CHEMICAL WARFARE DETECTORS	4,359	4,359
021	SUBMARINE LIFE SUPPORT SYSTEM	10,218	10,218
REACTOR PLANT EQUIPMENT			
022	REACTOR POWER UNITS	286,859	286,859
023	REACTOR COMPONENTS	278,503	278,503
OCEAN ENGINEERING			
024	DIVING AND SALVAGE EQUIPMENT	8,998	8,998
SMALL BOATS			
025	STANDARD BOATS	30,131	30,131
TRAINING EQUIPMENT			
026	OTHER SHIPS TRAINING EQUIPMENT	29,772	29,772
PRODUCTION FACILITIES EQUIPMENT			
027	OPERATING FORCES IPE	64,346	64,346
OTHER SHIP SUPPORT			
028	NUCLEAR ALTERATIONS	154,652	154,652
029	LCS COMMON MISSION MODULES EQUIPMENT	31,319	31,319
030	LCS MCM MISSION MODULES	38,392	38,392
031	LCS SUW MISSION MODULES	32,897	32,897
LOGISTIC SUPPORT			
032	LSD MIDLIFE	49,758	49,758
SHIP SONARS			
034	SPQ-9B RADAR	19,777	19,777
035	AN/SQ-89 SURF ASW COMBAT SYSTEM	89,201	89,201
036	SSN ACOUSTICS	190,874	190,874
037	UNDERSEA WARFARE SUPPORT EQUIPMENT	17,035	17,035
038	SONAR SWITCHES AND TRANSDUCERS	13,410	13,410
ASW ELECTRONIC EQUIPMENT			
040	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,489	19,532
	Contract award delays for launch tube and MK3		[-1,957]
041	SSTD	10,716	10,716
042	FIXED SURVEILLANCE SYSTEM	98,896	98,896
043	SURTASS	2,774	2,774
044	MARITIME PATROL AND RECONNSAISANCE FORCE	18,428	18,428
ELECTRONIC WARFARE EQUIPMENT			
045	AN/SLQ-32	92,270	92,270
RECONNAISSANCE EQUIPMENT			
046	SHIPBOARD IW EXPLOIT	107,060	107,060
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	914	914
SUBMARINE SURVEILLANCE EQUIPMENT			
048	SUBMARINE SUPPORT EQUIPMENT PROG	34,050	34,050
OTHER SHIP ELECTRONIC EQUIPMENT			
049	COOPERATIVE ENGAGEMENT CAPABILITY	27,881	22,191
	Excess PAAA backfit installation funding		[-615]
	Excess signal data processor backfit kit installation funding		[-2,725]
	Signal data processor backfit kit contract delay		[-1,350]
	Support funding carryover		[-1,000]
050	TRUSTED INFORMATION SYSTEM (TIS)	448	448
051	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,732	35,732
053	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	9,533	9,533
054	MINESWEEPING SYSTEM REPLACEMENT	60,111	60,111
055	SHALLOW WATER MCM	6,950	6,950
056	NAVSTAR GPS RECEIVERS (SPACE)	9,089	9,089

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SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
057	AMERICAN FORCES RADIO AND TV SERVICE	7,768	7,768
058	STRATEGIC PLATFORM SUPPORT EQUIP	3,614	3,614
	TRAINING EQUIPMENT		
059	OTHER TRAINING EQUIPMENT	42,911	42,911
	AVIATION ELECTRONIC EQUIPMENT		
060	MATCALS	5,861	5,861
061	SHIPBOARD AIR TRAFFIC CONTROL	8,362	8,362
062	AUTOMATIC CARRIER LANDING SYSTEM	15,685	15,685
063	NATIONAL AIR SPACE SYSTEM	16,919	16,919
064	FLEET AIR TRAFFIC CONTROL SYSTEMS	6,828	6,828
065	LANDING SYSTEMS	7,646	7,646
066	ID SYSTEMS	35,474	35,474
067	NAVAL MISSION PLANNING SYSTEMS	9,958	9,958
	OTHER SHORE ELECTRONIC EQUIPMENT		
068	DEPLOYABLE JOINT COMMAND AND CONT	9,064	9,064
069	MARITIME INTEGRATED BROADCAST SYSTEM	16,026	16,026
070	TACTICAL/MOBILE C4I SYSTEMS	11,886	11,886
071	DCGS-N	11,887	11,887
072	CANES	341,398	320,874
	Contract delay (DDG-51 class)		[-7,734]
	Contract delay (LHD-7)		[-8,305]
	Excess ADNS installation (afloat) funding		[-2,070]
	Excess ADNS installation (ashore) funding		[-2,415]
073	RADLAC	8,083	8,083
074	CANES-INTELL	79,427	79,427
075	GPETE	6,083	6,083
076	INTEG COMBAT SYSTEM TEST FACILITY	4,495	4,495
077	EMI CONTROL INSTRUMENTATION	4,767	4,767
078	ITEMS LESS THAN \$5 MILLION	81,755	81,755
	SHIPBOARD COMMUNICATIONS		
080	SHIP COMMUNICATIONS AUTOMATION	56,870	56,870
081	MARITIME DOMAIN AWARENESS (MDA)	1,063	1,063
082	COMMUNICATIONS ITEMS UNDER \$5M	28,522	28,522
	SUBMARINE COMMUNICATIONS		
083	SUBMARINE BROADCAST SUPPORT	4,183	4,183
084	SUBMARINE COMMUNICATION EQUIPMENT	69,025	69,025
	SATELLITE COMMUNICATIONS		
085	SATELLITE COMMUNICATIONS SYSTEMS	49,294	51,294
	SPIDERNet/Spectral Warrior Hardware		[2,000]
086	NAVY MULTIBAND TERMINAL (NMT)	184,825	184,825
	SHORE COMMUNICATIONS		
087	JCS COMMUNICATIONS EQUIPMENT	2,180	2,180
088	ELECTRICAL POWER SYSTEMS	1,354	1,354
	CRYPTOGRAPHIC EQUIPMENT		
090	INFO SYSTEMS SECURITY PROGRAM (ISSP)	144,104	144,104
	CRYPTOLOGIC EQUIPMENT		
091	CRYPTOLOGIC COMMUNICATIONS EQUIP	12,604	12,604
	OTHER ELECTRONIC SUPPORT		
092	COAST GUARD EQUIPMENT	6,680	6,680
	SONOBUOYS		
095	SONOBUOYS—ALL TYPES	104,677	104,677
	AIRCRAFT SUPPORT EQUIPMENT		
096	WEAPONS RANGE SUPPORT EQUIPMENT	70,753	70,753
097	EXPEDITIONARY AIRFIELDS	8,678	8,678
098	AIRCRAFT REARMING EQUIPMENT	11,349	11,349
099	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	82,618	81,980
	ADMACS installation cost growth		[-638]
100	METEOROLOGICAL EQUIPMENT	18,339	18,339
101	DCRS/DPL	1,414	1,414
102	AVIATION LIFE SUPPORT	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS)	3,826	3,826
	SHIP GUN SYSTEM EQUIPMENT		
108	NAVAL FIRES CONTROL SYSTEM	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT	4,528	4,528
	SHIP MISSILE SYSTEMS EQUIPMENT		
110	NATO SEASPARROW	8,960	8,960
111	RAM GMLS	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT	77,767	72,267
	Production support funding growth		[-5,500]
115	VERTICAL LAUNCH SYSTEMS	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,965	4,965
	FBM SUPPORT EQUIPMENT		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
117	STRATEGIC MISSILE SYSTEMS EQUIP	181,049	181,049
	ASW SUPPORT EQUIPMENT		
118	SSN COMBAT CONTROL SYSTEMS	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT	47,930	47,930
	OTHER ORDNANCE SUPPORT EQUIPMENT		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	3,579	3,579
123	ITEMS LESS THAN \$5 MILLION	3,125	3,125
	OTHER EXPENDABLE ORDNANCE		
124	ANTI-SHIP MISSILE DECOY SYSTEM	31,743	29,743
	Support funding growth		[-2,000]
125	SURFACE TRAINING DEVICE MODS	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS	23,450	23,450
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	7,158	7,158
128	GENERAL PURPOSE TRUCKS	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP	8,692	8,692
130	FIRE FIGHTING EQUIPMENT	14,533	14,533
131	TACTICAL VEHICLES	15,330	15,330
132	AMPHIBIOUS EQUIPMENT	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT	7,265	7,265
134	ITEMS UNDER \$5 MILLION	15,252	15,252
135	PHYSICAL SECURITY VEHICLES	1,161	1,161
	SUPPLY SUPPORT EQUIPMENT		
136	MATERIALS HANDLING EQUIPMENT	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS	34,804	34,804
	TRAINING DEVICES		
140	TRAINING SUPPORT EQUIPMENT	25,444	25,444
	COMMAND SUPPORT EQUIPMENT		
141	COMMAND SUPPORT EQUIPMENT	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT	15,696	15,696
149	CHSR EQUIPMENT	4,344	4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY	183,995	183,995
	CLASSIFIED PROGRAMS		
152A	CLASSIFIED PROGRAMS	13,063	13,063
	SPARES AND REPAIR PARTS		
153	SPARES AND REPAIR PARTS	250,718	250,718
	TOTAL OTHER PROCUREMENT, NAVY	6,169,378	6,219,041
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	16,089	16,089
002	LAV PIP	186,216	45,342
	Budget adjustment per USMC		[-140,874]
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	2,502	2,502
004	155MM LIGHTWEIGHT TOWED HOWITZER	17,913	17,913
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	47,999	47,999
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	17,706	17,706
	OTHER SUPPORT		
007	MODIFICATION KITS	48,040	48,040
008	WEAPONS ENHANCEMENT PROGRAM	4,537	4,537
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE	11,054	11,054
011	FOLLOW ON TO SMAW	19,650	19,650
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	20,708	20,708
	COMMAND AND CONTROL SYSTEMS		
014	UNIT OPERATIONS CENTER	1,420	1,420
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	25,127	25,127
	OTHER SUPPORT (TEL)		
016	COMBAT SUPPORT SYSTEM	25,822	25,822
017	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
018	ITEMS UNDER \$5 MILLION (COMM & ELEC)	5,498	5,498
019	AIR OPERATIONS C2 SYSTEMS	11,290	11,290
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	128,079	128,079
021	RQ-21 UAS	27,619	27,619
	INTELL/COMM EQUIPMENT (NON-TEL)		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
022	FIRE SUPPORT SYSTEM	7,319	7,319
023	INTELLIGENCE SUPPORT EQUIPMENT	7,466	7,466
025	RQ-11 UAV	2,318	2,318
026	DCGS-MC	18,291	18,291
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
029	NIGHT VISION EQUIPMENT	48,084	48,084
	OTHER SUPPORT (NON-TEL)		
030	COMMON COMPUTER RESOURCES	206,708	206,708
031	COMMAND POST SYSTEMS	35,190	35,190
032	RADIO SYSTEMS	89,059	89,059
033	COMM SWITCHING & CONTROL SYSTEMS	22,500	22,500
034	COMM & ELEC INFRASTRUCTURE SUPPORT	42,625	42,625
	CLASSIFIED PROGRAMS		
035A	CLASSIFIED PROGRAMS	2,290	2,290
	ADMINISTRATIVE VEHICLES		
035	COMMERCIAL PASSENGER VEHICLES	2,877	2,877
036	COMMERCIAL CARGO VEHICLES	13,960	13,960
	TACTICAL VEHICLES		
037	5/4T TRUCK HMMWV (MYP)	8,052	8,052
038	MOTOR TRANSPORT MODIFICATIONS	50,269	50,269
040	LOGISTICS VEHICLE SYSTEM REP	37,262	37,262
041	FAMILY OF TACTICAL TRAILERS	48,160	48,160
	OTHER SUPPORT		
043	ITEMS LESS THAN \$5 MILLION	6,705	6,705
	ENGINEER AND OTHER EQUIPMENT		
044	ENVIRONMENTAL CONTROL EQUIP ASSORT	13,576	13,576
045	BULK LIQUID EQUIPMENT	16,869	16,869
046	TACTICAL FUEL SYSTEMS	19,108	19,108
047	POWER EQUIPMENT ASSORTED	56,253	56,253
048	AMPHIBIOUS SUPPORT EQUIPMENT	13,089	13,089
049	EOD SYSTEMS	73,699	73,699
	MATERIALS HANDLING EQUIPMENT		
050	PHYSICAL SECURITY EQUIPMENT	3,510	3,510
051	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	11,490	11,490
052	MATERIAL HANDLING EQUIP	20,659	20,659
053	FIRST DESTINATION TRANSPORTATION	132	132
	GENERAL PROPERTY		
054	FIELD MEDICAL EQUIPMENT	31,068	31,068
055	TRAINING DEVICES	45,895	45,895
056	CONTAINER FAMILY	5,801	5,801
057	FAMILY OF CONSTRUCTION EQUIPMENT	23,939	23,939
060	RAPID DEPLOYABLE KITCHEN	8,365	8,365
	OTHER SUPPORT		
061	ITEMS LESS THAN \$5 MILLION	7,077	7,077
	SPARES AND REPAIR PARTS		
062	SPARES AND REPAIR PARTS	3,190	3,190
	TOTAL PROCUREMENT, MARINE CORPS	1,622,955	1,482,081
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F-35	3,124,302	3,124,302
002	ADVANCE PROCUREMENT (CY)	293,400	293,400
	OTHER AIRLIFT		
005	C-130J	68,373	68,373
007	HC-130J	152,212	152,212
009	MC-130J	374,866	374,866
	HELICOPTERS		
015	HH-60 LOSS REPLACEMENT/RECAP	60,596	60,596
017	CV-22 (MYP)	294,220	294,220
018	ADVANCE PROCUREMENT (CY)	15,000	15,000
	MISSION SUPPORT AIRCRAFT		
019	CIVIL AIR PATROL A/C	2,498	2,498
	OTHER AIRCRAFT		
024	TARGET DRONES	129,866	129,866
026	RQ-4	75,000	180,200
	Sustain current force structure		[105,200]
028	AC-130J	163,970	163,970
030	MQ-9	553,530	708,530
	Additional aircraft		[155,000]
031	RQ-4 BLOCK 40 PROC	11,654	11,654
	STRATEGIC AIRCRAFT		
032	B-2A	82,296	82,296
033	B-1B	149,756	149,756
034	B-52	9,781	9,781
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES	28,800	28,800
	TACTICAL AIRCRAFT		
036	A-10	89,919	173,919
	Retain A-10 force structure		[84,000]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
037	F-15	148,378	148,378
038	F-16	6,896	6,896
039	F-22A	283,871	283,871
040	F-35 MODIFICATIONS	147,995	147,995
	AIRLIFT AIRCRAFT		
041	C-5	6,967	6,967
043	C-5M	944,819	879,819
	Inflation adjustment and installation efficiencies		[-65,000]
044	ADVANCE PROCUREMENT (CY)	175,800	175,800
046	C-17A	205,079	205,079
047	C-21	199	199
048	C-32A	1,750	1,750
049	C-37A	445	445
	TRAINER AIRCRAFT		
051	GLIDER MODS	126	126
052	T-6	15,494	15,494
053	T-1	272	272
054	T-38	20,455	20,455
	OTHER AIRCRAFT		
056	U-2 MODS	44,477	44,477
057	KC-10A (ATCA)	46,921	46,921
058	C-12	1,876	1,876
059	MC-12W	17,054	17,054
060	C-20 MODS	243	243
061	VC-25A MOD	11,185	11,185
062	C-40	243	243
063	C-130	67,853	67,853
065	C-130J MODS	70,555	70,555
066	C-135	46,707	46,707
067	COMPASS CALL MODS	50,024	50,024
068	RC-135	165,237	165,237
069	E-3	193,099	193,099
070	E-4	47,616	47,616
071	E-8	59,320	59,320
072	H-1	5,449	5,449
073	H-60	26,227	26,227
074	RQ-4 MODS	9,257	9,257
075	HC/MC-130 MODIFICATIONS	22,326	22,326
076	OTHER AIRCRAFT	18,832	18,832
077	MQ-1 MODS	30,861	30,861
078	MQ-9 MODS	238,360	238,360
079	MQ-9 UAS PAYLOADS	93,461	93,461
080	CV-22 MODS	23,881	23,881
	AIRCRAFT SPARES AND REPAIR PARTS		
081	INITIAL SPARES/REPAIR PARTS	729,691	729,691
	COMMON SUPPORT EQUIPMENT		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP	56,542	56,542
	POST PRODUCTION SUPPORT		
083	A-10	5,100	5,100
084	B-1	965	965
086	B-2A	47,580	47,580
088	KC-10A (ATCA)	13,100	13,100
089	C-17A	181,703	181,703
090	C-130	31,830	31,830
091	C-135	13,434	13,434
092	F-15	2,363	2,363
093	F-16	8,506	5,906
	Production line shutdown—excess to need		[-2,600]
096	OTHER AIRCRAFT	9,522	9,522
	INDUSTRIAL PREPAREDNESS		
097	INDUSTRIAL RESPONSIVENESS	20,731	20,731
	WAR CONSUMABLES		
098	WAR CONSUMABLES	89,727	89,727
	OTHER PRODUCTION CHARGES		
099	OTHER PRODUCTION CHARGES	842,392	842,392
	CLASSIFIED PROGRAMS		
103A	CLASSIFIED PROGRAMS	20,164	20,164
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	11,002,999	11,279,599
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	8,927	8,927
	CARTRIDGES		
002	CARTRIDGES	118,075	118,075
	BOMBS		
003	PRACTICE BOMBS	32,393	32,393
004	GENERAL PURPOSE BOMBS	163,467	163,467
005	JOINT DIRECT ATTACK MUNITION	101,921	101,921

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
FLARE, IR MJU-7B			
006	CAD/PAD	43,829	43,829
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	7,515	7,515
008	SPARES AND REPAIR PARTS	1,003	1,003
009	MODIFICATIONS	5,321	5,321
010	ITEMS LESS THAN \$5 MILLION	5,066	5,066
FUZES			
011	FLARES	46,010	46,010
012	FUZES	36,444	36,444
SMALL ARMS			
013	SMALL ARMS	29,223	29,223
TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE		599,194	599,194
MISSILE PROCUREMENT, AIR FORCE			
MISSILE REPLACEMENT EQUIPMENT—BALLISTIC			
001	MISSILE REPLACEMENT EQ-BALLISTIC	56,906	56,906
TACTICAL			
002	JASSM	240,399	240,399
003	SIDEWINDER (AIM-9X)	88,020	88,020
004	AMRAAM	229,637	206,937
	Missile unit cost adjustment		[-22,700]
005	PREDATOR HELLFIRE MISSILE	47,675	47,675
006	SMALL DIAMETER BOMB	42,000	42,000
INDUSTRIAL FACILITIES			
007	INDUSTRIAL PREPAREDNS/POL PREVENTION	744	744
CLASS IV			
009	MM III MODIFICATIONS	54,794	54,794
010	AGM-65D MAVERICK	271	271
011	AGM-88A HARM	23,240	23,240
012	AIR LAUNCH CRUISE MISSILE (ALCM)	13,620	13,620
013	SMALL DIAMETER BOMB	5,000	5,000
MISSILE SPARES AND REPAIR PARTS			
014	INITIAL SPARES/REPAIR PARTS	74,373	74,373
SPACE PROGRAMS			
015	ADVANCED EHF	557,205	547,205
	Schedule Delay Due to Late AP Award		[-10,000]
017	WIDEBAND GAPFILLER SATELLITES(SPACE)	36,835	36,835
019	GPS III SPACE SEGMENT	410,294	410,294
020	ADVANCE PROCUREMENT (CY)	82,616	82,616
021	SPACEBORNE EQUIP (COMSEC)	10,554	10,554
022	GLOBAL POSITIONING (SPACE)	58,147	58,147
023	DEF METEOROLOGICAL SAT PROG(SPACE)	89,022	89,022
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,679,856	1,679,856
025	SBIR HIGH (SPACE)	454,251	454,251
SPECIAL PROGRAMS			
030	SPECIAL UPDATE PROGRAMS	138,904	138,904
CLASSIFIED PROGRAMS			
030A	CLASSIFIED PROGRAMS	1,097,483	1,097,483
TOTAL MISSILE PROCUREMENT, AIR FORCE		5,491,846	5,459,146
OTHER PROCUREMENT, AIR FORCE			
PASSENGER CARRYING VEHICLES			
001	PASSENGER CARRYING VEHICLES	1,905	1,905
CARGO AND UTILITY VEHICLES			
002	MEDIUM TACTICAL VEHICLE	18,547	18,547
003	CAP VEHICLES	932	932
004	ITEMS LESS THAN \$5 MILLION	1,699	1,699
SPECIAL PURPOSE VEHICLES			
005	SECURITY AND TACTICAL VEHICLES	10,850	10,850
006	ITEMS LESS THAN \$5 MILLION	9,246	9,246
FIRE FIGHTING EQUIPMENT			
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,148	23,148
MATERIALS HANDLING EQUIPMENT			
008	ITEMS LESS THAN \$5 MILLION	18,323	18,323
BASE MAINTENANCE SUPPORT			
009	RUNWAY SNOW REMOV AND CLEANING EQU	1,685	1,685
010	ITEMS LESS THAN \$5 MILLION	17,014	17,014
COMM SECURITY EQUIPMENT(COMSEC)			
012	COMSEC EQUIPMENT	166,559	166,559
013	MODIFICATIONS (COMSEC)	1,133	1,133
INTELLIGENCE PROGRAMS			
014	INTELLIGENCE TRAINING EQUIPMENT	2,749	2,749
015	INTELLIGENCE COMM EQUIPMENT	32,876	32,876
016	ADVANCE TECH SENSORS	877	877
017	MISSION PLANNING SYSTEMS	15,295	15,295
ELECTRONICS PROGRAMS			
018	AIR TRAFFIC CONTROL & LANDING SYS	21,984	21,984
019	NATIONAL AIRSPACE SYSTEM	30,698	30,698

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
020	BATTLE CONTROL SYSTEM—FIXED	17,368	17,368
021	THEATER AIR CONTROL SYS IMPROVEMENTS	23,483	23,483
022	WEATHER OBSERVATION FORECAST	17,864	17,864
023	STRATEGIC COMMAND AND CONTROL	53,995	34,995
	Early to need		[-19,000]
024	CHEYENNE MOUNTAIN COMPLEX	14,578	14,578
025	TAC SIGINT SPT	208	208
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	69,743	69,743
028	AF GLOBAL COMMAND & CONTROL SYS	15,829	63,029
	Add MQ-1/9 RSO-SOC Procurement		[9,900]
	Establish ANG Targeting Unit-Workstation Procurement		[37,300]
029	MOBILITY COMMAND AND CONTROL	11,023	11,023
030	AIR FORCE PHYSICAL SECURITY SYSTEM	64,521	64,521
031	COMBAT TRAINING RANGES	18,217	18,217
032	C3 COUNTERMEASURES	11,899	11,899
033	GCSS-AF FOS	13,920	13,920
034	THEATER BATTLE MGT C2 SYSTEM	9,365	9,365
035	AIR & SPACE OPERATIONS CTR-WPN SYS	33,907	33,907
	AIR FORCE COMMUNICATIONS		
036	INFORMATION TRANSPORT SYSTEMS	52,464	52,464
038	AFNET	125,788	125,788
039	VOICE SYSTEMS	16,811	16,811
040	USCENTCOM	32,138	32,138
	DISA PROGRAMS		
041	SPACE BASED IR SENSOR PGM SPACE	47,135	47,135
042	NAVSTAR GPS SPACE	2,031	2,031
043	NUDET DETECTION SYS SPACE	5,564	5,564
044	AF SATELLITE CONTROL NETWORK SPACE	44,219	44,219
045	SPACELIFT RANGE SYSTEM SPACE	109,545	109,545
046	MILSATCOM SPACE	47,592	47,592
047	SPACE MODS SPACE	47,121	47,121
048	COUNTERSPACE SYSTEM	20,961	20,961
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	126,131	126,131
050	COMBAT SURVIVOR EVADER LOCATER	23,707	23,707
051	RADIO EQUIPMENT	12,757	12,757
052	CCTV/AUDIOVISUAL EQUIPMENT	10,716	10,716
053	BASE COMM INFRASTRUCTURE	74,528	74,528
	MODIFICATIONS		
054	COMM ELECT MODS	43,507	43,507
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	22,693	22,693
056	ITEMS LESS THAN \$5 MILLION	30,887	30,887
	DEPOT PLANT+MTRLS HANDLING EQ		
057	MECHANIZED MATERIAL HANDLING EQUIP	2,850	2,850
	BASE SUPPORT EQUIPMENT		
058	BASE PROCURED EQUIPMENT	8,387	8,387
059	CONTINGENCY OPERATIONS	10,358	10,358
060	PRODUCTIVITY CAPITAL INVESTMENT	3,473	3,473
062	MOBILITY EQUIPMENT	14,471	14,471
063	ITEMS LESS THAN \$5 MILLION	1,894	1,894
	SPECIAL SUPPORT PROJECTS		
065	DARP RC135	24,176	24,176
066	DCGS-AF	142,928	142,928
068	SPECIAL UPDATE PROGRAM	479,446	479,446
069	DEFENSE SPACE RECONNAISSANCE PROG.	39,155	39,155
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	14,331,312	14,331,312
	SPARES AND REPAIR PARTS		
071	SPARES AND REPAIR PARTS	14,663	14,663
	TOTAL OTHER PROCUREMENT, AIR FORCE	16,720,848	16,749,048
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DCAA		
002	ITEMS LESS THAN \$5 MILLION	1,486	1,486
	MAJOR EQUIPMENT, DCMA		
003	MAJOR EQUIPMENT	2,129	2,129
	MAJOR EQUIPMENT, DHRA		
005	PERSONNEL ADMINISTRATION	6,147	6,147
	MAJOR EQUIPMENT, DISA		
012	INFORMATION SYSTEMS SECURITY	12,708	12,708
014	GLOBAL COMBAT SUPPORT SYSTEM	3,002	3,002
015	TELEPORT PROGRAM	46,992	46,992
016	ITEMS LESS THAN \$5 MILLION	108,462	108,462
017	NET CENTRIC ENTERPRISE SERVICES (NCES)	2,865	2,865
018	DEFENSE INFORMATION SYSTEM NETWORK	116,906	116,906
019	PUBLIC KEY INFRASTRUCTURE	1,827	1,827

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
021	CYBER SECURITY INITIATIVE	10,319	10,319
	MAJOR EQUIPMENT, DLA		
022	MAJOR EQUIPMENT	9,575	9,575
	MAJOR EQUIPMENT, DMACT		
023	MAJOR EQUIPMENT	15,179	15,179
	MAJOR EQUIPMENT, DODEA		
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,458	1,458
	MAJOR EQUIPMENT, DSS		
026	MAJOR EQUIPMENT	2,522	2,522
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
027	VEHICLES	50	50
028	OTHER MAJOR EQUIPMENT	13,096	13,096
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
030	THAAD	460,728	460,728
031	AEGIS BMD	389,626	389,626
032	BMDs AN/TPY-2 RADARS	217,244	380,244
	Procure additional AN/TPY-2 radar		[163,000]
033	RADAR SPARES	10,177	10,177
	MAJOR EQUIPMENT, NSA		
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	6,770	6,770
	MAJOR EQUIPMENT, OSD		
042	MAJOR EQUIPMENT, OSD	45,938	45,938
043	MAJOR EQUIPMENT, INTELLIGENCE	17,582	17,582
	MAJOR EQUIPMENT, TJS		
044	MAJOR EQUIPMENT, TJS	21,878	21,878
	MAJOR EQUIPMENT, WHS		
045	MAJOR EQUIPMENT, WHS	26,550	26,550
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	555,787	555,787
	AVIATION PROGRAMS		
046	ROTARY WING UPGRADES AND SUSTAINMENT	74,832	74,832
048	MH-60 MODERNIZATION PROGRAM	126,780	126,780
049	NON-STANDARD AVIATION	99,776	37,000
	Transfer to Line 051—Mission Shift		[-62,776]
051	U-28	7,530	116,906
	Transfer from Line 049—Mission Shift		[62,776]
	USSOCOM UFR		[46,600]
052	MH-47 CHINOOK	134,785	134,785
053	RQ-11 UNMANNED AERIAL VEHICLE	2,062	2,062
054	CV-22 MODIFICATION	139,147	139,147
055	MQ-1 UNMANNED AERIAL VEHICLE	3,963	26,963
	USSOCOM UFR		[23,000]
056	MQ-9 UNMANNED AERIAL VEHICLE	3,952	39,352
	USSOCOM UFR		[35,400]
058	STUASL0	12,945	12,945
059	PRECISION STRIKE PACKAGE	73,013	73,013
060	AC/MC-130J	51,484	51,484
062	C-130 MODIFICATIONS	25,248	25,248
063	AIRCRAFT SUPPORT	5,314	5,314
	SHIPBUILDING		
064	UNDERWATER SYSTEMS	23,037	15,037
	Transfer to RDDW Line 272 at USSOCOM request		[-8,000]
	AMMUNITION PROGRAMS		
066	ORDNANCE REPLENISHMENT	113,183	113,183
067	ORDNANCE ACQUISITION	36,981	36,981
	OTHER PROCUREMENT PROGRAMS		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	99,838	103,738
	USSOCOM UFR		[3,900]
069	INTELLIGENCE SYSTEMS	71,428	71,428
070	SMALL ARMS AND WEAPONS	27,108	27,108
071	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	12,767	15,967
	USSOCOM UFR		[3,200]
074	COMBATANT CRAFT SYSTEMS	42,348	42,348
075	SPARES AND REPAIR PARTS	600	600
077	TACTICAL VEHICLES	37,421	37,421
078	MISSION TRAINING AND PREPARATION SYSTEMS	36,949	41,949
	USSOCOM UFR		[5,000]
079	COMBAT MISSION REQUIREMENTS	20,255	26,255
	AC-130 electro-optical and infrared sensors		[6,000]
080	MILCON COLLATERAL EQUIPMENT	17,590	17,590
082	AUTOMATION SYSTEMS	66,573	66,573
083	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	6,549	6,549
084	OPERATIONAL ENHANCEMENTS INTELLIGENCE	32,335	32,335
085	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	15,153	15,153
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	33,920	33,920
087	TACTICAL RADIO SYSTEMS	75,132	75,132
090	MISCELLANEOUS EQUIPMENT	6,667	6,667
091	OPERATIONAL ENHANCEMENTS	217,972	243,272

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	USSOCOM UFR		[25,300]
092	MILITARY INFORMATION SUPPORT OPERATIONS	27,417	27,417
	CBDP		
093	INSTALLATION FORCE PROTECTION	24,025	24,025
094	INDIVIDUAL PROTECTION	73,720	73,720
095	DECONTAMINATION	506	506
096	JOINT BIO DEFENSE PROGRAM (MEDICAL)	32,597	32,597
097	COLLECTIVE PROTECTION	3,144	3,144
098	CONTAMINATION AVOIDANCE	164,886	164,886
	TOTAL PROCUREMENT, DEFENSE-WIDE	4,187,935	4,491,335
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,477	0
	Program reduction		[-99,477]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	99,477	0
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
999	MISCELLANEOUS EQUIPMENT		150,000
	Program increase		[150,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		150,000
	TOTAL PROCUREMENT	97,432,379	98,398,230

1 **SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY**
2 **OPERATIONS.**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
009	AH-64 APACHE BLOCK IIIB NEW BUILD	71,000	71,000
012	KIOWA WARRIOR (OH-58F) WRA	183,900	183,900
015	CH-47 HELICOPTER	231,300	231,300
	TOTAL AIRCRAFT PROCUREMENT, ARMY	486,200	486,200
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	29,100	29,100
	ANTI-TANK/ASSAULT MISSILE SYS		
008	GUIDED MLRS ROCKET (GMLRS)	20,553	20,553
	TOTAL MISSILE PROCUREMENT, ARMY	49,653	49,653
	PROCUREMENT OF W&TCV, ARMY		
	MOD OF WEAPONS AND OTHER COMBAT VEH		
036	M16 RIFLE MODS	15,422	15,422
	TOTAL PROCUREMENT OF W&TCV, ARMY	15,422	15,422
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
003	CTG, HANDGUN, ALL TYPES	1,500	1,500
004	CTG, .50 CAL, ALL TYPES	10,000	10,000
007	CTG, 30MM, ALL TYPES	80,000	61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.		[-19,000]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	14,000	14,000
010	81MM MORTAR, ALL TYPES	6,000	6,000
011	120MM MORTAR, ALL TYPES	56,000	56,000
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	29,956	29,956
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	37,044	37,044
015	PROJ 155MM EXTENDED RANGE XM982	12,300	12,300
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	17,000	17,000
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	12,000	12,000
	ROCKETS		
020	ROCKET, HYDRA 70, ALL TYPES	63,635	63,635
	OTHER AMMUNITION		
023	SIGNALS, ALL TYPES	16,858	16,858

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
MISCELLANEOUS			
028	ITEMS LESS THAN \$5 MILLION	1,200	1,200
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	357,493	338,493
OTHER PROCUREMENT, ARMY			
TACTICAL VEHICLES			
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	28,247	28,247
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	2,050	2,050
011	HMMWV RECAPITALIZATION PROGRAM	271,000	271,000
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	927,400	927,400
COMM—INTELLIGENCE COMM			
052	RESERVE CA/MISO GPF EQUIPMENT	8,000	8,000
COMM—BASE COMMUNICATIONS			
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.....	25,000	65,000
	Transfer from OMA OCO at SOUTHCOM request		[40,000]
ELECT EQUIP—TACT INT REL ACT (TIARA)			
069	DCGS-A (MIP)	90,355	90,355
073	CI HUMINT AUTO REPRINTING AND COLLECTION	6,516	6,516
ELECT EQUIP—ELECTRONIC WARFARE (EW)			
075	LIGHTWEIGHT COUNTER MORTAR RADAR	27,646	27,646
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES	52,000	52,000
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	205,209	205,209
ELECT EQUIP—TACTICAL SURV. (TAC SURV)			
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	14,600	14,600
099	COUNTERFIRE RADARS	54,585	54,585
ELECT EQUIP—TACTICAL C2 SYSTEMS			
102	FIRE SUPPORT C2 FAMILY	22,430	22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS)	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	5,160	5,160
CHEMICAL DEFENSIVE EQUIPMENT			
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS)	66,100	66,100
ENGINEER (NON-CONSTRUCTION) EQUIPMENT			
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,565	3,565
COMBAT SERVICE SUPPORT EQUIPMENT			
143	FORCE PROVIDER	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	650	650
PETROLEUM EQUIPMENT			
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	2,119	2,119
MAINTENANCE EQUIPMENT			
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	428	428
153	ITEMS LESS THAN \$5 MILLION (MAINT EQ)	30	30
TRAINING EQUIPMENT			
175	COMBAT TRAINING CENTERS SUPPORT	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	5,900	5,900
OTHER SUPPORT EQUIPMENT			
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	98,167	118,167
	Rapid equipping force delayed execution rates		[-10,000]
	Solar power units		[30,000]
	TOTAL OTHER PROCUREMENT, ARMY	2,015,907	2,075,907
JOINT IMPR EXPLOSIVE DEV DEFEAT FUND			
NETWORK ATTACK			
001	ATTACK THE NETWORK	950,500	925,000
	Program decrease—under execution		[-25,500]
JIEDDO DEVICE DEFEAT			
002	DEFEAT THE DEVICE	400,000	375,000
	Program decrease—under execution & program delays		[-25,000]
FORCE TRAINING			
003	TRAIN THE FORCE	149,500	144,500
	Program decrease—under execution & program delays		[-5,000]
STAFF AND INFRASTRUCTURE			
004	OPERATIONS	175,400	397,814
	Program decrease—under execution & program delays		[-5,000]
	Transfer from title 1		[227,414]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	1,675,400	1,842,314
AIRCRAFT PROCUREMENT, NAVY			
COMBAT AIRCRAFT			
011	H-1 UPGRADES (UH-1Y/AH-1Z)	29,800	29,800
MODIFICATION OF AIRCRAFT			
030	AV-8 SERIES	42,238	42,238
032	F-18 SERIES	41,243	41,243
035	H-53 SERIES	15,870	15,870
038	EP-3 SERIES	13,030	13,030

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
043	C-130 SERIES	16,737	16,737
048	SPECIAL PROJECT AIRCRAFT	2,714	2,714
054	COMMON AVIONICS CHANGES	570	570
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT	2,380	2,380
	TOTAL AIRCRAFT PROCUREMENT, NAVY	164,582	164,582
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
009	HELLFIRE	17,000	17,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	6,500	6,500
	TOTAL WEAPONS PROCUREMENT, NAVY	23,500	23,500
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	18,000	18,000
002	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
003	MACHINE GUN AMMUNITION	21,500	21,500
006	AIR EXPENDABLE COUNTERMEASURES	20,303	20,303
011	OTHER SHIP GUN AMMUNITION	532	532
012	SMALL ARMS & LANDING PARTY AMMO	2,643	2,643
013	PYROTECHNIC AND DEMOLITION	2,322	2,322
014	AMMUNITION LESS THAN \$5 MILLION	6,308	6,308
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	10,948	10,948
016	LINEAR CHARGES, ALL TYPES	9,940	9,940
017	40 MM, ALL TYPES	5,963	5,963
020	120MM, ALL TYPES	11,605	11,605
021	CTG 25MM, ALL TYPES	2,831	2,831
022	GRENADERS, ALL TYPES	2,359	2,359
023	ROCKETS, ALL TYPES	3,051	3,051
024	ARTILLERY, ALL TYPES	54,886	54,886
025	DEMOLITION MUNITIONS, ALL TYPES	1,391	1,391
026	FUZE, ALL TYPES	30,945	30,945
027	NON LETHALS	8	8
029	ITEMS LESS THAN \$5 MILLION	12	12
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	285,747	285,747
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
070	TACTICAL/MOBILE C4I SYSTEMS	3,603	3,603
	AIRCRAFT SUPPORT EQUIPMENT		
097	EXPEDITIONARY AIRFIELDS	58,200	58,200
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	3,901	3,901
128	GENERAL PURPOSE TRUCKS	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP	2,436	2,436
130	FIRE FIGHTING EQUIPMENT	3,798	3,798
131	TACTICAL VEHICLES	13,394	13,394
134	ITEMS UNDER \$5 MILLION	375	375
	COMMAND SUPPORT EQUIPMENT		
149	C4ISR EQUIPMENT	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT	9,323	9,323
	TOTAL OTHER PROCUREMENT, NAVY	98,882	98,882
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
002	LAV PIP	10,000	10,000
	ARTILLERY AND OTHER WEAPONS		
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	108,860	108,860
	GUIDED MISSILES		
010	JAVELIN	29,158	29,158
	OTHER SUPPORT		
013	MODIFICATION KITS	41,602	41,602
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	13,632	13,632
	OTHER SUPPORT (TEL)		
017	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	AIR OPERATIONS C2 SYSTEMS	15,575	15,575
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	8,015	8,015
	INTELL/COMM EQUIPMENT (NON-TEL)		
023	INTELLIGENCE SUPPORT EQUIPMENT	35,310	35,310
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
029	NIGHT VISION EQUIPMENT	652	652
	OTHER SUPPORT (NON-TEL)		
030	COMMON COMPUTER RESOURCES	19,807	19,807

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
032	RADIO SYSTEMS	36,482	36,482
033	COMM SWITCHING & CONTROL SYSTEMS	41,295	41,295
	TACTICAL VEHICLES		
039	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,466	10,466
041	FAMILY OF TACTICAL TRAILERS	7,642	7,642
	ENGINEER AND OTHER EQUIPMENT		
045	BULK LIQUID EQUIPMENT	18,239	18,239
046	TACTICAL FUEL SYSTEMS	51,359	51,359
047	POWER EQUIPMENT ASSORTED	20,247	20,247
049	EOD SYSTEMS	362,658	362,658
	MATERIALS HANDLING EQUIPMENT		
050	PHYSICAL SECURITY EQUIPMENT	55,500	55,500
052	MATERIAL HANDLING EQUIP	19,100	19,100
	GENERAL PROPERTY		
054	FIELD MEDICAL EQUIPMENT	15,751	15,751
055	TRAINING DEVICES	3,602	3,602
057	FAMILY OF CONSTRUCTION EQUIPMENT	15,900	15,900
	TOTAL PROCUREMENT, MARINE CORPS	943,683	943,683
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC AIRCRAFT		
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES	139,800	139,800
	OTHER AIRCRAFT		
055	U-2 MODS	46,800	46,800
063	C-130	11,400	11,400
067	COMPASS CALL MODS	14,000	14,000
068	RC-135	8,000	8,000
075	HC/MC-130 MODIFICATIONS	4,700	4,700
	AIRCRAFT SPARES AND REPAIR PARTS		
081	INITIAL SPARES/REPAIR PARTS	21,900	21,900
	OTHER PRODUCTION CHARGES		
099	OTHER PRODUCTION CHARGES	59,000	59,000
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	305,600	305,600
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
002	CARTRIDGES	13,592	13,592
	BOMBS		
004	GENERAL PURPOSE BOMBS	23,211	23,211
005	JOINT DIRECT ATTACK MUNITION	53,923	53,923
	FLARE, IR MJU-7B		
006	CAD/PAD	2,638	2,638
010	ITEMS LESS THAN \$5 MILLION	2,600	2,600
	FUZES		
011	FLARES	11,726	11,726
012	FUZES	8,513	8,513
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	116,203	116,203
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
005	PREDATOR HELLFIRE MISSILE	34,350	34,350
	TOTAL MISSILE PROCUREMENT, AIR FORCE	34,350	34,350
	OTHER PROCUREMENT, AIR FORCE		
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	2,010	2,010
004	ITEMS LESS THAN \$5 MILLION	2,675	2,675
	SPECIAL PURPOSE VEHICLES		
006	ITEMS LESS THAN \$5 MILLION	2,557	2,557
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN \$5 MILLION	4,329	4,329
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU	984	984
010	ITEMS LESS THAN \$5 MILLION	9,120	9,120
	ELECTRONICS PROGRAMS		
022	WEATHER OBSERVATION FORECAST	5,600	5,600
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	11,157	11,157
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	7,000	7,000
053	BASE COMM INFRASTRUCTURE	10,654	10,654
	MODIFICATIONS		
054	COMM ELECT MODS	8,000	8,000
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	902	902
	BASE SUPPORT EQUIPMENT		
059	CONTINGENCY OPERATIONS	60,090	60,090
062	MOBILITY EQUIPMENT	9,400	9,400

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
063	ITEMS LESS THAN \$5 MILLION	9,175	9,175
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	2,672,317	2,672,317
	SPARES AND REPAIR PARTS		
071	SPARES AND REPAIR PARTS	2,300	2,300
	TOTAL OTHER PROCUREMENT, AIR FORCE	2,818,270	2,818,270
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
015	TELEPORT PROGRAM	5,260	5,260
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	126,201	126,201
	AVIATION PROGRAMS		
061	MQ-8 UAV	16,500	16,500
	OTHER PROCUREMENT PROGRAMS		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	151	151
069	INTELLIGENCE SYSTEMS	30,528	30,528
077	TACTICAL VEHICLES	1,843	1,843
082	AUTOMATION SYSTEMS	1,000	1,000
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	108	108
091	OPERATIONAL ENHANCEMENTS	14,758	14,758
	TOTAL PROCUREMENT, DEFENSE-WIDE	196,349	196,349
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	0
	Program reduction		[-100,000]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND	100,000	0
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
999	MISCELLANEOUS EQUIPMENT		350,000
	Program increase		[350,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT		350,000
	TOTAL PROCUREMENT	9,687,241	10,145,155

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 2 **TION**
 3 **TION**
 4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860
002	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045
		SUBTOTAL BASIC RESEARCH	444,071	444,071
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	29,041	39,041
		Advanced coating technologies for corrosion mitigation		[10,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	45,260	45,260
007	0602122A	TRACTOR HIP	22,439	22,439
008	0602211A	AVIATION TECHNOLOGY	51,607	51,607
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,068	15,068
010	0602303A	MISSILE TECHNOLOGY	49,383	49,383
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	25,999	25,999
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	23,507	23,507
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	69,062	69,062

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
014	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,465	4,465
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300
019	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244
020	0602712A	COUNTERMINE SYSTEMS	18,850	18,850
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	28,852	28,852
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781
027	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281
028	0602787A	MEDICAL TECHNOLOGY	107,891	107,891
		SUBTOTAL APPLIED RESEARCH	874,730	884,730
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580
031	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,613	67,613
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	104,359	104,359
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	4,157	4,157
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	9,856	9,856
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661
037	0603009A	TRACTOR HIKE	9,126	9,126
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,257	17,257
039	0603020A	TRACTOR ROSE	9,925	9,925
040	0603105A	MILITARY HIV RESEARCH	6,984	6,984
041	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	9,716	9,716
042	0603130A	TRACTOR NAIL	3,487	3,487
043	0603131A	TRACTOR EGGS	2,323	2,323
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111
046	0603322A	TRACTOR CAGE	10,902	10,902
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	28,458	28,458
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	25,226	25,226
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	890,722	890,722
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	14,505	14,505
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV ..	2,725	2,725
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560
059	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV ...	8,660	8,660
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,715	10,715
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	4,631	4,631
064	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL ..	278,018	278,018
065	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961
066	0603801A	AVIATION—ADV DEV	8,602	8,602
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605
068	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,054	5,054
069	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384
070	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050
071	0603850A	INTEGRATED BROADCAST SERVICE	96	96
072	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868
073	0604131A	TRACTOR JUTE	59	59
075	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2—INTERCEPT (IFPC2).	76,039	76,039
077	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043
078	0305205A	ENDURANCE UAVS	26,196	20,197
		Program decrease		[-5,999]

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SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.			610,121	604,122
SYSTEM DEVELOPMENT & DEMONSTRATION				
079	0604201A	AIRCRAFT AVIONICS	78,538	78,538
080	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494
081	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	176,347
		Program adjustment		[-5,000]
083	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNV)	12,636	12,636
084	0604321A	ALL SOURCE ANALYSIS SYSTEM	5,694	5,694
085	0604328A	TRACTOR CAGE	32,095	32,095
086	0604601A	INFANTRY SUPPORT WEAPONS	96,478	93,078
		XM25 funding ahead of need		[-3,400]
087	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006
089	0604611A	JAVELIN	5,040	5,040
090	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	3,077	3,077
091	0604633A	AIR TRAFFIC CONTROL	9,769	9,769
092	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	13,141	13,141
099	0604710A	NIGHT VISION SYSTEMS—ENG DEV	32,621	32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,132	2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	44,787	44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV	1,008	1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE— ENG DEV	73,333	73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,937	28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	10,815	10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV ...	13,926	13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	17,797	17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	214,270	214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV	14,581	14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	43,706	43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	20,776	20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIP- MENT—ENG DEV	43,395	43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD	4,346	4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFT- WARE	77,223	77,223
117	0604820A	RADAR DEVELOPMENT	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEB)	9,963	27,163
		GFEB realignment per Army request		[17,200]
119	0604823A	FIREFINDER	20,517	20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	51,851	51,851
121	0604854A	ARTILLERY SYSTEMS—EMD	167,797	167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	400,861	0
		Prohibition of funds for MEADS		[-400,861]
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK ...	7,922	7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	51,463	51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) ...	158,646	158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	10,000	10,000
128	0605456A	PAC-3/MSE MISSILE	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	277,374	315,374
		DRFM countermeasures studies		[38,000]
130	0605625A	MANNED GROUND VEHICLE	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	72,295	72,295
133	0303032A	TROJAN—RH12	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,942	13,942
SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.			3,286,629	2,932,568
RDT&E MANAGEMENT SUPPORT				
135	0604256A	THREAT SIMULATOR DEVELOPMENT	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT	37,394	37,394
138	0605103A	RAND ARROYO CENTER	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	27,902	27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES	369,900	369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS ...	69,183	69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	44,753	44,753
146	0605606A	AIRCRAFT CERTIFICATION	5,762	5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,402	7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS	19,954	19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,535	5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING	67,789	67,789
151	0605716A	ARMY EVALUATION CENTER	62,765	62,765

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152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	1,545	1,545
153	0605801A	PROGRAMWIDE ACTIVITIES	83,422	83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES	50,820	50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFE-TY.	46,763	46,763
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,601	4,601
157	0605898A	MANAGEMENT HQ—R&D	18,524	18,524
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	1,153,980	1,153,980
		OPERATIONAL SYSTEMS DEVELOPMENT		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	143,005	143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE	190,422	159,922
		Program decrease		[-30,500]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PRO-GRAMS.	280,247	226,147
		Funding ahead of need		[-54,100]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	898	898
169	0203758A	DIGITIZATION	35,180	35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	20,733	20,733
172	0203808A	TRACTOR CARD	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	40,876	40,876
184	0305219A	MQ-1 SKY WARRIOR A UAV	74,618	74,618
185	0305232A	RQ-11 UAV	4,039	4,039
186	0305233A	RQ-7 UAV	31,158	31,158
187	0305235A	VERTICAL UAS	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS	4,628	4,628
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	1,669,162	1,584,562
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	8,929,415	8,494,755
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	123,690
		Increase Defense University Research Instrumentation Program		[10,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261
003	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070
		SUBTOTAL BASIC RESEARCH	605,021	615,021
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528
007	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,635	49,635
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,973	5,973
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	162,417	162,417
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,394	32,394
		SUBTOTAL APPLIED RESEARCH	790,302	790,302
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	54,858	54,858
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	130,598	130,598
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,706	11,706
022	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DE-VELOPMENT.	256,382	256,382
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	3,880	3,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS ..	51,819	51,819
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	584,402	584,402

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ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	34,085	34,085
029	0603216N	AVIATION SURVIVABILITY	8,783	8,783
030	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,773	3,773
031	0603251N	AIRCRAFT SYSTEMS	24,512	24,512
032	0603254N	ASW SYSTEMS DEVELOPMENT	8,090	8,090
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,301	5,301
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,506	1,506
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES ... Excess to need	190,622	188,622
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871
039	0603525N	PILOT FISH	101,169	101,169
040	0603527N	RETRACT LARCH	74,312	74,312
041	0603536N	RETRACT JUNIPER	90,730	90,730
042	0603542N	RADIOLOGICAL CONTROL	777	777
043	0603553N	SURFACE ASW	6,704	6,704
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	555,123	555,123
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,368	9,368
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	24,609	24,609
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	13,710	13,710
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	249,748	249,748
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,897	29,897
050	0603576N	CHALK EAGLE	509,988	509,988
051	0603581N	LITTORAL COMBAT SHIP (LCS)	429,420	429,420
052	0603582N	COMBAT SYSTEM INTEGRATION	56,551	56,551
053	0603609N	CONVENTIONAL MUNITIONS	7,342	7,342
054	0603611M	MARINE CORPS ASSAULT VEHICLES	95,182	95,182
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	10,496	10,496
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	52,331	52,331
057	0603658N	COOPERATIVE ENGAGEMENT	56,512	56,512
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	7,029	7,029
059	0603721N	ENVIRONMENTAL PROTECTION	21,080	21,080
060	0603724N	NAVY ENERGY PROGRAM	55,324	55,324
061	0603725N	FACILITIES IMPROVEMENT	3,401	3,401
062	0603734N	CHALK CORAL	45,966	45,966
063	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,811	3,811
064	0603746N	RETRACT MAPLE	341,305	341,305
065	0603748N	LINK PLUMERIA	181,220	181,220
066	0603751N	RETRACT ELM	174,014	174,014
068	0603764N	LINK EVERGREEN	68,654	68,654
069	0603787N	SPECIAL PROCESSES	44,487	44,487
070	0603790N	NATO RESEARCH AND DEVELOPMENT	9,389	9,389
071	0603795N	LAND ATTACK TECHNOLOGY	16,132	16,132
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	44,994	44,994
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/ VAL	137,369	137,369
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	73,934	73,934
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
078	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WAR- FARE (JCREW)	71,300	71,300
079	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	5,654	5,654
080	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ ENGINEERING SUPPORT	31,549	31,549
082	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT	86,801	86,801
083	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	44,500	44,500
084	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	13,172	13,172
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643
SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.			4,335,297	4,333,297
SYSTEM DEVELOPMENT & DEMONSTRATION				
087	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978
088	0604214N	AV-8B AIRCRAFT—ENG DEV	32,789	32,789
089	0604215N	STANDARDS DEVELOPMENT	84,988	82,988
		Program behind in execution		[-2,000]
090	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	6,866	6,866
091	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,060	4,060
092	0604221N	P-3 MODERNIZATION PROGRAM	3,451	3,451
093	0604230N	WARFARE SUPPORT SYSTEM	13,071	13,071
094	0604231N	TACTICAL COMMAND SYSTEM	71,645	71,645
095	0604234N	ADVANCED HAWKEYE	119,065	119,065
096	0604245N	H-1 UPGRADES	31,105	31,105

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097	0604261N	ACOUSTIC SEARCH SENSORS	34,299	34,299
098	0604262N	V-22A	54,412	54,412
099	0604264N	AIR CREW SYSTEMS DEVELOPMENT	2,717	2,717
100	0604269N	EA-18	13,009	13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT	51,304	51,304
102	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ)	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	260,616	510,616
		Cruiser Retention		[250,000]
106	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB)	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS	63,891	58,391
		Program execution		[-5,500]
109	0604373N	AIRBORNE MCM	73,246	73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM.	122,481	122,481
113	0604501N	ADVANCED ABOVE WATER SENSORS	255,516	255,516
114	0604503N	SSN-688 AND TRIDENT MODERNIZATION	82,620	82,620
115	0604504N	AIR CONTROL	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION	918	918
118	0604558N	NEW DESIGN SSN	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,889	3,889
122	0604601N	MINE DEVELOPMENT	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	151,489	151,489
131	0604771N	MEDICAL DEVELOPMENT	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	737,149	733,949
		Block IV development ahead of need		[-3,200]
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	740,726
		Block IV development ahead of need		[-3,200]
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	72,209	72,209
138	0605212N	CH-53K RDTE	606,204	606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	421,102	421,102
141	0204202N	DDG-1000	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP	1,170	1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	23,255	23,255
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	5,747,232	5,983,332
		RDT&E MANAGEMENT SUPPORT		
146	0604256N	THREAT SIMULATOR DEVELOPMENT	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION ..	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES	46,856	46,856
153	0605804N	TECHNICAL INFORMATION SERVICES	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,795	2,795
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	845,077	845,077
		OPERATIONAL SYSTEMS DEVELOPMENT		
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	142,282	142,282
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	105,892	105,892

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171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,729	34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS	19,208	19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	25,566	25,566
175	0204136N	F/A-18 SQUADRONS	188,299	170,299
		Program behind in execution		[-18,000]
176	0204152N	E-2 SQUADRONS	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	15,695	15,695
178	0204228N	SURFACE SUPPORT	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	19,843	19,843
186	0205601N	HARM IMPROVEMENT	11,477	11,477
187	0205604N	TACTICAL DATA LINKS	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	27,342	27,342
189	0205632N	MK-48 ADCAP	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,450	3,450
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE)	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	500	500
210	0305149N	COBRA JUDY	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,676	14,676
218	0305220N	RQ-4 UAV	657,483	657,483
219	0305231N	MQ-8 UAV	99,600	99,600
220	0305232M	RQ-11 UAV	495	495
221	0305233N	RQ-7 UAV	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	9,734	9,734
225	0305239M	RQ-21A	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF)	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
230A	9999999999	CLASSIFIED PROGRAMS	1,151,159	1,351,159
		Program increase		[200,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	3,975,546	4,157,546
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	16,882,877	17,308,977
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094
		SUBTOTAL BASIC RESEARCH	516,034	516,034
		APPLIED RESEARCH		
004	0602102F	MATERIALS	114,166	114,166
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319
007	0602203F	AEROSPACE PROPULSION	232,547	232,547
008	0602204F	AEROSPACE SENSORS	127,637	127,637
009	0602601F	SPACE TECHNOLOGY	98,375	98,375
010	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175

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011	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	104,362	104,362
013	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557
		SUBTOTAL APPLIED RESEARCH	1,109,053	1,109,053
		ADVANCED TECHNOLOGY DEVELOPMENT		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	57,890
		Increase Materials Affordability Initiative program		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	6,565	6,565
016	0603203F	ADVANCED AEROSPACE SENSORS	37,657	37,657
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	81,376	81,376
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	151,152	151,152
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	32,941	32,941
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	64,557	64,557
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	29,256	29,256
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	21,523	21,523
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	36,352	36,352
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	19,004	19,004
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	37,045	37,045
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	31,419	31,419
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	596,737	606,737
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866
029	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704
030	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671
		Project decrease		[-1,500]
031	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676
032	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144
		Project decrease		[-2,000]
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	32,243	32,243
034	0603790F	NATO RESEARCH AND DEVELOPMENT	4,507	4,507
035	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	652	652
036	0603830F	SPACE PROTECTION PROGRAM (SPP)	10,429	10,429
037	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL	19,938	19,938
038	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	71,181	71,181
039	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,027	12,027
040	0603859F	POLLUTION PREVENTION—DEM/VAL	2,054	2,054
041	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	57,975	57,975
042	0604015F	LONG RANGE STRIKE	291,742	291,742
043	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	114,417	114,417
044	0604317F	TECHNOLOGY TRANSFER	2,576	2,576
045	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	16,711	16,711
047	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343
048	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423
054	0604857F	OPERATIONALLY RESPONSIVE SPACE		45,000
		Restore Operationally Responsive Space		[45,000]
055	0604858F	TECH TRANSITION PROGRAM	37,558	34,558
		Project decrease		[-3,000]
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	96,840	96,840
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	1,181,177	1,219,677
		SYSTEM DEVELOPMENT & DEMONSTRATION		
058	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652
059	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713
060	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	4,983
		Program delays		[-1,600]
061	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,975	1,975
062	0604280F	JOINT TACTICAL RADIO	2,594	2,594
063	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	24,534	24,534
064	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
065	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	143,000	143,000
066	0604421F	COUNTERSPACE SYSTEMS	28,797	28,797
067	0604425F	SPACE SITUATION AWARENESS SYSTEMS	267,252	247,252
		C-Band Radar re-location		[3,000]
		Excess funding		[-20,000]
		Undistributed reduction		[-3,000]
068	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118
069	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	448,594	446,594
		Project decrease		[-2,000]

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070	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951
071	0604604F	SUBMUNITIONS	2,567	2,567
072	0604617F	AGILE COMBAT SUPPORT	13,059	13,059
073	0604706F	LIFE SUPPORT SYSTEMS	9,720	9,720
074	0604735F	COMBAT TRAINING RANGES	9,222	9,222
076	0604750F	INTELLIGENCE EQUIPMENT	803	803
077	0604800F	F-35—EMD	1,210,306	1,207,999
		Block 4—early to need		[-2,307]
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD	135,437	135,437
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	7,980	7,980
080	0604932F	LONG RANGE STANDOFF WEAPON	2,004	2,004
081	0604933F	ICBM FUZE MODERNIZATION	73,512	73,512
082	0605213F	F-22 MODERNIZATION INCREMENT 3.2B	140,100	140,100
083	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	1,815,588	1,738,488
		Excess prior year funds		[-77,100]
084	0605229F	CSAR HH-60 RECAPITALIZATION	123,210	123,210
085	0605278F	HC/MC-130 RECAP RDT&E	19,039	19,039
086	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM	281,056	281,056
087	0101125F	NUCLEAR WEAPONS MODERNIZATION	80,200	80,200
089	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE.	310	310
090	0207701F	FULL COMBAT MISSION TRAINING	14,861	14,861
091	0305230F	MC-12	19,949	19,949
093	0401318F	CV-22	28,027	28,027
094	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	4,966,724	4,863,717
		RDT&E MANAGEMENT SUPPORT		
095	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812
096	0604759F	MAJOR T&E INVESTMENT	42,236	42,236
097	0605101F	RAND PROJECT AIR FORCE	25,579	25,579
099	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT	722,071	722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP)	10,051	45,051
		Restore Space Test Program		[35,000]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	27,301	27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING	1,294	1,294
111	1001004F	INTERNATIONAL ACTIVITIES	3,851	3,851
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	1,190,349	1,225,349
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	371,595	370,095
		Project decrease		[-1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	17,037	17,037
117	0101113F	B-52 SQUADRONS	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	431	431
119	0101126F	B-1B SQUADRONS	16,265	16,265
120	0101127F	B-2 SQUADRONS	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	15,098	15,098
127	0205219F	MQ-9 UAV	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	49,848	49,848
129	0207131F	A-10 SQUADRONS	13,538	13,538
130	0207133F	F-16 SQUADRONS	190,257	190,257
131	0207134F	F-15E SQUADRONS	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,683	13,683
133	0207138F	F-22A SQUADRONS	371,667	371,667
134	0207142F	F-35 SQUADRONS	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE	1,119	1,119

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140	0207247F	AF TENCAP	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,063	1,063
142	0207253F	COMPASS CALL	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	65,200	65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	5,767	5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,756	5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD	16,226	16,226
156	0207448F	C2ISR TACTICAL DATA LINK	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,086	18,086
158	0207452F	DCAPES	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	24,241	24,241
160	0207590F	SEEK EAGLE	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE	12,056	12,056
175	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	4,316	2,316
		Underexecution		[-2,000]
180	0303601F	MILSATCOM TERMINALS	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	33,773	33,773
189	0305111F	WEATHER SERVICE	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL)	43,187	43,187
191	0305116F	AERIAL TARGETS	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,680	3,680
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	8,760	8,760
205	0305202F	DRAGON U-2	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	63,501	63,501
210	0305219F	MQ-1 PREDATOR A UAV	9,122	9,122
211	0305220F	RQ-4 UAV	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL)	38,094	38,094
214	0305238F	NATO AGS	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE)	64,965	63,365
		ICADS—early to need		[-1,600]
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW)	1,175	1,175
224	0401115F	C-130 AIRLIFT SQUADRON	5,000	5,000
225	0401119F	C-5 AIRLIFT SQUADRONS (IF)	35,115	35,115
226	0401130F	C-17 AIRCRAFT (IF)	99,225	99,225
227	0401132F	C-130J PROGRAM	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	100	0
		Program termination		[-100]
231	0401219F	KC-10S	24,022	24,022

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232	0401314F	OPERATIONAL SUPPORT AIRLIFT	7,471	7,471
234	0408011F	SPECIAL TACTICS / COMBAT CONTROL	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF)	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	119,327	99,327
		Program delays		[-20,000]
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	15,873	15,873
240	0804743F	OTHER FLIGHT TRAINING	349	349
242	0808716F	OTHER PERSONNEL ACTIVITIES	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION	7,634	7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	100,160	100,160
249A	999999999	CLASSIFIED PROGRAMS	11,172,183	11,172,183
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	15,867,972	15,842,772
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	25,428,046	25,383,339
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071
002	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051
003	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	39,676	39,676
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566
		SUBTOTAL BASIC RESEARCH	551,748	551,748
		APPLIED RESEARCH		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615
008	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE		10,000
		Program increase		[10,000]
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	36,826	36,826
011	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	7,898	7,898
012	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	392,421	392,421
013	0602304E	COGNITIVE COMPUTING SYSTEMS	30,424	30,424
015	0602383E	BIOLOGICAL WARFARE DEFENSE	19,236	19,236
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	223,269	223,269
017	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	13,753	9,753
		Excessive growth		[-4,000]
018	0602668D8Z	CYBER SECURITY RESEARCH	18,985	12,985
		Excessive growth		[-6,000]
019	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH	6,771	6,771
020	0602702E	TACTICAL TECHNOLOGY	233,209	233,209
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067
022	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416
023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	172,352	172,352
024	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	28,739	28,739
		SUBTOTAL APPLIED RESEARCH	1,703,881	1,703,881
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
025	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	21,612
		Excessive growth		[-4,000]
026	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	77,144
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	275,022	275,022
029	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975
031	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,032	20,032
032	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY	3,892	3,892
033	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685
034	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	159,316
		Program decrease		[-15,000]
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	159,704	159,704
036	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	234,280	234,280
037	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	6,983	6,983
038	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	158,263	158,263
039	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	25,393	25,393
040	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT	13,754	9,754

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		Excessive growth		[-4,000]
042	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	13,935
		Excessive growth		[-6,000]
043	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	8,235	8,235
044	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	21,966	51,966
		Industrial Base Innovation Fund		[30,000]
045	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	24,662	24,662
047	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	24,605	24,605
048	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	30,678	30,678
049	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,282	65,282
050	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	72,234	62,234
		.90nm Next Generation Foundry-early to need		[-10,000]
051	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403
052	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008
054	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	237,859	229,859
		Program reduction		[-8,000]
055	0603765E	CLASSIFIED DARPA PROGRAMS	3,000	3,000
056	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	236,883	236,883
057	0603767E	SENSOR TECHNOLOGY	299,438	299,438
058	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	12,195	12,195
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	92,002
		Excessive growth		[-15,000]
062	0603828J	JOINT EXPERIMENTATION	21,230	21,230
063	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	47,433	47,433
064	0603901C	DIRECTED ENERGY RESEARCH	46,944	41,944
		Unjustified request		[-5,000]
065	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	26,244	26,244
069	0303310D8Z	CWMD SYSTEMS	53,946	38,946
		Program reduction		[-15,000]
070	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	45,317	45,317
071	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861
072	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD).	3,194,413	3,142,413
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
073	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234
074	0603527D8Z	RETRACT LARCH	21,023	21,023
075	0603600D8Z	WALKOFF	94,624	94,624
077	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	16,958	18,958
		Reverse cuts to testing		[2,000]
078	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	75,941	75,941
079	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929
080	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	903,172	978,172
		Program increase		[75,000]
081	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL ..	179,023	179,023
082	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012
084	0603890C	BMD ENABLING PROGRAMS	362,711	362,711
085	0603891C	SPECIAL PROGRAMS—MDA	272,387	272,387
086	0603892C	AEGIS BMD	992,407	992,407
087	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	51,313	51,313
088	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	6,912	6,912
089	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552
090	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550
091	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	63,043	63,043
092	0603906C	REGARDING TRENCH	11,371	11,371
093	0603907C	SEA BASED X-BAND RADAR (SBX)	9,730	9,730
094	0603913C	ISRAELI COOPERATIVE PROGRAMS	99,836	478,836
		Increase to DSWS, ASIP, Arrow-3 cooperative programs		[168,000]
		Iron Dome short-range rocket defense		[211,000]
095	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400
096	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747

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097	0603920D8Z	HUMANITARIAN DEMINING	13,231	13,231
098	0603923D8Z	COALITION WARFARE	11,398	11,398
099	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,283	24,083
		Increase for requirements shortfall		[20,800]
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	5,131	5,131
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM		200,000
		Rapid Innovation Program		[200,000]
104	0604787J	JOINT SYSTEMS INTEGRATION	3,273	3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	7,364	7,364
107	0604880C	LAND-BASED SM-3 (LBSM3)	276,338	276,338
108	0604881C	AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	297,375	242,375
		Project decrease to support technology development		[-55,000]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	33,742
		Program reduction		[-25,000]
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,158	3,158
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	6,282,166	6,878,966
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,817	6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	311,071	311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,699	12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,859	1,859
127	0605027D8Z	OUS(D) IT DEVELOPMENT INITIATIVES	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION	25,269	25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES ..	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEM).	3,556	3,556
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD).	694,287	694,287
		RDT&E MANAGEMENT SUPPORT		
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,419	2,419
139	0604943D8Z	THERMAL VICAR	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETS)	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	32,266	32,266
142	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	55,508	55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,601	6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,849	92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S.	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	12,056	12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	55,454	55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,110	20,110
		DT&E Increase		[5,000]
166	0605898E	MANAGEMENT HQ—R&D	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,454	4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,637	2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES ..	8,238	8,238
176	0305103E	CYBER SECURITY INITIATIVE	1,801	1,801

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177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	77,475	77,475
182	0901598C	MANAGEMENT HQ—MDA	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS	104	104
184A	9999999999	CLASSIFIED PROGRAMS	64,255	64,255
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	887,928	892,928
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT.	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	14,745	14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,922	3,922
192	0208045K	CH INTEROPERABILITY	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,931	12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	191,452	191,452
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	36,575	36,575
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) ..	1,294	1,294
215	0303610K	TELEPORT PROGRAM	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS	6,360	6,360
229	0305199D8Z	NET CENTRICITY	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,114	7,714
		USSOCOM UFR		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,247	3,247
237	0305219BB	MQ-1 PREDATOR A UAV	1,355	1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS	4,100	4,100
253	1105219BB	MQ-9 UAV	3,002	3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT.	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT.	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	10,131	10,131
263	1160429BB	AC/MC-130J	19,647	19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS.	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS	3,036	3,036
266	1160477BB	SOF WEAPONS SYSTEMS	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES	11,325	11,325
270	1160481BB	SOF MUNITIONS	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS	26,405	69,405
		Program increase		[35,000]
		Transfer from PDW Line 64 at USSOCOM request		[8,000]
273	1160484BB	SOF SURFACE CRAFT	8,573	8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	16,386	16,386
276A	9999999999	CLASSIFIED PROGRAMS	3,754,516	3,754,516
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT ..	4,667,738	4,711,338

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	Conference Authorized
UNDISTRIBUTED GENERAL PROVISIONS				
276B	9999999999	UNDISTRIBUTED GENERAL PROVISIONS		-25,000
		DARPA classified programs reduction		[-25,000]
		SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS ...		-25,000
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.			17,982,161	18,550,561
OPERATIONAL TEST & EVAL, DEFENSE RDT&E MANAGEMENT SUPPORT				
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	87,501
		Program increase for DOT&E cyber—range operations		[15,000]
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	185,268	200,268
TOTAL OPERATIONAL TEST & EVAL, DEFENSE			185,268	200,268
TOTAL RDT&E			69,407,767	69,937,900

1 **SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 2 **TION FOR OVERSEAS CONTINGENCY OPER-**
 3 **ATIONS.**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Program Element	Item	FY 2013 Request	Conference Authorized
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	14,860
		Program adjustment		[-5,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	19,860	19,860
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.			19,860	14,860
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,600	4,600
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	4,600	4,600
SYSTEM DEVELOPMENT & DEMONSTRATION				
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	2,173	2,173
RDT&E MANAGEMENT SUPPORT				
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,200	5,200
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	5,200	5,200
OPERATIONAL SYSTEMS DEVELOPMENT				
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762
221	0305233N	RQ-7 UAV	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	48,146	48,146
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.			60,119	60,119
OPERATIONAL SYSTEMS DEVELOPMENT				
249A	9999999999	CLASSIFIED PROGRAMS	53,150	53,150
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	53,150	53,150
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.			53,150	53,150
OPERATIONAL SYSTEMS DEVELOPMENT				

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
239	0305231BB	MQ-8 UAV	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS	107,387	107,387
SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT			112,387	112,387
TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.			112,387	112,387
TOTAL RDT&E			245,516	240,516

1 **TITLE XLIII—OPERATION AND**
 2 **MAINTENANCE**
 3 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY			
OPERATING FORCES			
010	MANEUVER UNITS	1,223,087	1,223,087
020	MODULAR SUPPORT BRIGADES	80,574	80,574
030	ECHELONS ABOVE BRIGADE	723,039	723,039
040	THEATER LEVEL ASSETS	706,974	706,974
050	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
060	AVIATION ASSETS	1,319,832	1,319,832
070	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
080	LAND FORCES SYSTEMS READINESS	454,774	454,774
090	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,349,613
	Army requested transfer to Other Procurement, Army for emergency management modernization program		[-52,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,041,074	3,259,674
	Restoration and Modernization of Facilities		[218,600]
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	461,333	461,333
SUBTOTAL OPERATING FORCES			22,436,871
MOBILIZATION			
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
SUBTOTAL MOBILIZATION			607,224
TRAINING AND RECRUITING			
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
SUBTOTAL TRAINING AND RECRUITING			5,058,610
ADMIN & SRVWIDE ACTIVITIES			
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707
390	ADMINISTRATION	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925
410	MANPOWER MANAGEMENT	362,205	338,205
	Army-Identified Excess for Civilian Personnel Resources Support		[-24,000]
420	OTHER PERSONNEL SUPPORT	220,754	220,754
430	OTHER SERVICE SUPPORT	1,153,556	1,150,509
	Army Museum Funding (Early to need)		[-3,047]
440	ARMY CLAIMS ACTIVITIES	250,970	250,970
450	REAL ESTATE MANAGEMENT	222,351	222,351
460	BASE OPERATIONS SUPPORT	222,379	222,379
470	SUPPORT OF NATO OPERATIONS	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS	25,637	25,637
490	CLASSIFIED PROGRAMS	1,052,595	1,052,595
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	8,505,887	8,478,840
UNDISTRIBUTED ADJUSTMENTS			
500	UNDISTRIBUTED ADJUSTMENTS		-266,600
	Excess Working Capital Fund Carry Over		[-146,600]
	Historical unobligated balances		[-120,000]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		-266,600
	TOTAL OPERATION & MAINTENANCE, ARMY	36,608,592	36,481,545
OPERATION & MAINTENANCE, NAVY			
OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,927,144
	Cruiser Retention		[9,000]
020	FLEET AIR TRAINING	1,886,825	1,886,825
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	44,032	44,032
040	AIR OPERATIONS AND SAFETY SUPPORT	101,565	101,565
050	AIR SYSTEMS SUPPORT	374,827	374,827
060	AIRCRAFT DEPOT MAINTENANCE	960,802	960,802
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,545	37,545
080	AVIATION LOGISTICS	328,805	328,805
090	MISSION AND OTHER SHIP OPERATIONS	4,686,535	4,711,185
	Cruiser Retention		[24,650]
100	SHIP OPERATIONS SUPPORT & TRAINING	769,204	769,204
110	SHIP DEPOT MAINTENANCE	5,089,981	5,157,944
	Cruiser Retention		[67,963]
120	SHIP DEPOT OPERATIONS SUPPORT	1,315,366	1,329,237
	Cruiser Retention		[13,871]
130	COMBAT COMMUNICATIONS	619,909	619,909
140	ELECTRONIC WARFARE	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE	174,437	174,437
160	WARFARE TACTICS	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	333,554	333,554
180	COMBAT SUPPORT FORCES	910,087	910,087
190	EQUIPMENT MAINTENANCE	167,158	167,158
200	DEPOT OPERATIONS SUPPORT	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	204,569	204,569
230	CRUISE MISSILE	111,884	111,884
240	FLEET BALLISTIC MISSILE	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	87,606	87,606
260	WEAPONS MAINTENANCE	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT	300,435	300,435
280	ENTERPRISE INFORMATION	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,101,279	2,155,879
	Restoration and Modernization of Facilities		[54,600]
300	BASE OPERATING SUPPORT	4,822,093	4,822,093
	SUBTOTAL OPERATING FORCES	33,758,297	33,928,381
MOBILIZATION			
310	SHIP PREPOSITIONING AND SURGE	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS	1,066,329	1,057,329
	Cruiser Retention		[-9,000]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	83,901	83,901

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SEC. 4301. OPERATION AND MAINTENANCE			
(In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
350	INDUSTRIAL READINESS	2,695	2,695
360	COAST GUARD SUPPORT	23,502	23,502
	SUBTOTAL MOBILIZATION	1,517,648	1,508,648
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,807	147,807
380	RECRUIT TRAINING	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177
410	FLIGHT TRAINING	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746
430	TRAINING SUPPORT	153,403	153,403
440	RECRUITING AND ADVERTISING	241,329	242,267
	Naval Sea Cadet Corps		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776
470	JUNIOR ROTC	51,817	51,817
	SUBTOTAL TRAINING AND RECRUITING	1,716,430	1,717,368
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	797,177	797,177
490	EXTERNAL RELATIONS	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	235,753	235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213
550	SERVICEWIDE TRANSPORTATION	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,984	4,984
710	CLASSIFIED PROGRAMS	537,079	537,079
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	4,614,568	4,614,568
	UNDISTRIBUTED ADJUSTMENTS		
720	UNDISTRIBUTED ADJUSTMENTS		-23,000
	Historical unobligated balances		[-23,000]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		-23,000
	TOTAL OPERATION & MAINTENANCE, NAVY	41,606,943	41,745,965
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	788,055	788,055
020	FIELD LOGISTICS	762,614	762,614
030	DEPOT MAINTENANCE	168,447	168,447
040	MARITIME PREPOSITIONING	100,374	100,374
050	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	847,839
	Restoration and Modernization of Facilities		[22,800]
060	BASE OPERATING SUPPORT	2,188,883	2,188,883
	SUBTOTAL OPERATING FORCES	4,833,412	4,856,212
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	18,251	18,251
080	OFFICER ACQUISITION	869	869
090	SPECIALIZED SKILL TRAINING	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION	42,744	42,744
110	TRAINING SUPPORT	292,150	292,150
120	RECRUITING AND ADVERTISING	168,609	168,609
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865
140	JUNIOR ROTC	19,912	19,912
	SUBTOTAL TRAINING AND RECRUITING	680,314	680,314
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT	83,404	83,404
190	CLASSIFIED PROGRAMS	346,071	346,071

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	469,437	469,437
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	5,983,163	6,005,963
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,973,141	2,973,141
020	COMBAT ENHANCEMENT FORCES	1,611,032	1,744,032
	Global Hawk Block 30		[133,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,472,806	1,472,806
040	DEPOT MAINTENANCE	5,545,470	5,545,470
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,353,987	1,489,386
	Restoration and Modernization of Facilities		[135,399]
060	BASE SUPPORT	2,595,032	2,595,032
070	GLOBAL C3I AND EARLY WARNING	957,040	957,040
080	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716
110	LAUNCH FACILITIES	314,490	314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	850,979
	Joint Forces Command restructuring		[-12,000]
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	SUBTOTAL OPERATING FORCES	20,047,084	20,303,483
	MOBILIZATION		
150	AIRLIFT OPERATIONS	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	309,699	309,699
190	BASE SUPPORT	707,574	707,574
	SUBTOTAL MOBILIZATION	4,434,097	4,434,097
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	115,427	115,427
210	RECRUIT TRAINING	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	336,433	336,433
240	BASE SUPPORT	842,441	842,441
250	SPECIALIZED SKILL TRAINING	482,634	482,634
260	FLIGHT TRAINING	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION	235,114	235,114
280	TRAINING SUPPORT	101,231	101,231
290	DEPOT MAINTENANCE	233,330	233,330
310	RECRUITING AND ADVERTISING	130,217	130,217
320	EXAMINING	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147
350	JUNIOR ROTC	74,809	74,809
	SUBTOTAL TRAINING AND RECRUITING	3,745,868	3,745,868
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	303,610	303,610
400	BASE SUPPORT	1,266,800	1,266,800
410	ADMINISTRATION	587,654	587,654
420	SERVICEWIDE COMMUNICATIONS	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES	1,094,509	1,094,509
440	CIVIL AIR PATROL	23,904	23,904
470	INTERNATIONAL SUPPORT	81,307	81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	7,208,311	7,208,311
	UNDISTRIBUTED ADJUSTMENTS		
490	UNDISTRIBUTED ADJUSTMENTS		-32,000

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	Historical unobligated balances		[-32,000]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		-32,000
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	35,435,360	35,659,759
	OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	485,708	485,708
020	SPECIAL OPERATIONS COMMAND		5,091,001
	Transfer from line 025		[5,091,001]
025	CLASSIFIED PROGRAMS	5,091,001	0
	Transfer to Line 020		[-5,091,001]
	SUBTOTAL OPERATING FORCES	5,576,709	5,576,709
	TRAINING AND RECRUITING		
030	DEFENSE ACQUISITION UNIVERSITY	147,210	147,210
040	NATIONAL DEFENSE UNIVERSITY	84,999	84,999
	SUBTOTAL TRAINING AND RECRUITING	232,209	232,209
	ADMIN & SRVWD ACTIVITIES		
050	CIVIL MILITARY PROGRAMS	161,294	161,294
080	DEFENSE CONTRACT AUDIT AGENCY	573,973	573,973
090	DEFENSE CONTRACT MANAGEMENT AGENCY	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY	35,137	35,137
150	DEFENSE LOGISTICS AGENCY	431,893	431,893
160	DEFENSE MEDIA ACTIVITY	224,013	224,013
170	DEFENSE POW/MIA OFFICE	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY	557,917	557,917
190	DEFENSE SECURITY SERVICE		506,662
	Transfer from Line 280		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY		443,382
	Transfer from Line 280		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,105,362
	Office of Net Assessment		[10,000]
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,033,757
	Additional ISR Support to Operation Observant Compass		[50,000]
	Transfer to Line 190		[-506,662]
	Transfer to Line 210		[-443,382]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	26,184,095	26,244,095
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		35,000
	DOD Impact Aid		[30,000]
	Impact aid for children with severe disabilities		[5,000]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		35,000
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	31,993,013	32,088,013
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
010	MANEUVER UNITS	1,391	1,391
020	MODULAR SUPPORT BRIGADES	20,889	20,889
030	ECHELONS ABOVE BRIGADE	592,724	592,724
040	THEATER LEVEL ASSETS	114,983	114,983
050	LAND FORCES OPERATIONS SUPPORT	633,091	633,091
060	AVIATION ASSETS	76,823	76,823
070	FORCE READINESS OPERATIONS SUPPORT	481,997	481,997
080	LAND FORCES SYSTEMS READINESS	70,118	70,118
090	LAND FORCES DEPOT MAINTENANCE	141,205	141,205
100	BASE OPERATIONS SUPPORT	561,878	561,878

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	287,399	308,099
	Restoration and Modernization of Facilities		[20,700]
120	MANAGEMENT AND OPERATIONAL HQ'S	52,431	52,431
	SUBTOTAL OPERATING FORCES	3,034,929	3,055,629
ADMIN & SRVWD ACTIVITIES			
140	SERVICEWIDE TRANSPORTATION	12,995	12,995
150	ADMINISTRATION	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS	4,895	4,895
170	MANPOWER MANAGEMENT	16,074	11,574
	Unjustified growth for civilian personnel		[-4,500]
180	RECRUITING AND ADVERTISING	60,683	60,683
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	127,079	122,579
	TOTAL OPERATION & MAINTENANCE, ARMY RES	3,162,008	3,178,208
OPERATION & MAINTENANCE, NAVY RES OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776
020	INTERMEDIATE MAINTENANCE	15,076	15,076
030	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479
040	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355
060	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186
070	SHIP OPERATIONS SUPPORT & TRAINING	589	589
080	SHIP DEPOT MAINTENANCE	48,593	48,593
090	COMBAT COMMUNICATIONS	15,274	15,274
100	COMBAT SUPPORT FORCES	124,917	124,917
110	WEAPONS MAINTENANCE	1,978	1,978
120	ENTERPRISE INFORMATION	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	60,646	60,646
140	BASE OPERATING SUPPORT	105,227	105,227
	SUBTOTAL OPERATING FORCES	1,224,046	1,224,046
ADMIN & SRVWD ACTIVITIES			
150	ADMINISTRATION	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT	3,090	3,090
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	22,936	22,936
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,246,982	1,246,982
OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES			
010	OPERATING FORCES	89,690	89,690
020	DEPOT MAINTENANCE	16,735	16,735
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	37,913	37,913
040	BASE OPERATING SUPPORT	103,746	103,746
	SUBTOTAL OPERATING FORCES	248,084	248,084
ADMIN & SRVWD ACTIVITIES			
050	SERVICEWIDE TRANSPORTATION	873	873
060	ADMINISTRATION	14,330	14,330
070	RECRUITING AND ADVERTISING	8,998	8,998
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	24,201	24,201
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	272,285	272,285
OPERATION & MAINTENANCE, AF RESERVE OPERATING FORCES			
010	PRIMARY COMBAT FORCES	2,089,326	2,089,326
020	MISSION SUPPORT OPERATIONS	112,992	112,992
030	DEPOT MAINTENANCE	406,101	406,101
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	71,564	78,264

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SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	Restoration and Modernization of Facilities		[6,700]
050	BASE SUPPORT	364,862	364,862
	SUBTOTAL OPERATING FORCES	3,044,845	3,051,545
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	78,824	78,824
070	RECRUITING AND ADVERTISING	16,020	16,020
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,489	6,489
100	AUDIOVISUAL	808	808
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	121,637	121,637
	UNDISTRIBUTED ADJUSTMENTS		
110	UNDISTRIBUTED ADJUSTMENTS		33,900
	Retain Air Force Reserve Force Structure		[33,900]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		33,900
	TOTAL OPERATION & MAINTENANCE, AF RE- SERVE	3,166,482	3,207,082
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	680,206	680,206
020	MODULAR SUPPORT BRIGADES	186,408	186,408
030	ECHELONS ABOVE BRIGADE	865,628	865,628
040	THEATER LEVEL ASSETS	112,651	112,651
050	LAND FORCES OPERATIONS SUPPORT	36,091	36,091
060	AVIATION ASSETS	907,011	907,011
070	FORCE READINESS OPERATIONS SUPPORT	751,606	751,606
080	LAND FORCES SYSTEMS READINESS	60,043	60,043
090	LAND FORCES DEPOT MAINTENANCE	411,940	411,940
100	BASE OPERATIONS SUPPORT	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	688,189	737,589
	Restoration and Modernization of Facilities		[49,400]
120	MANAGEMENT AND OPERATIONAL HQ'S	953,716	953,716
	SUBTOTAL OPERATING FORCES	6,648,912	6,698,312
	ADMIN & SRVWD ACTIVITIES		
130	SERVICEWIDE TRANSPORTATION	11,806	11,806
140	REAL ESTATE MANAGEMENT	1,656	1,656
150	ADMINISTRATION	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS	39,513	39,513
170	MANPOWER MANAGEMENT	7,224	7,224
180	RECRUITING AND ADVERTISING	310,143	310,143
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	459,700	459,700
	TOTAL OPERATION & MAINTENANCE, ARNG	7,108,612	7,158,012
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,559,824	3,559,824
020	MISSION SUPPORT OPERATIONS	721,225	721,225
030	DEPOT MAINTENANCE	774,875	774,875
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	270,709	295,409
	Restoration and Modernization of Facilities		[24,700]
050	BASE SUPPORT	624,443	624,443
	SUBTOTAL OPERATING FORCES	5,951,076	5,975,776
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	32,358	32,358
070	RECRUITING AND ADVERTISING	32,021	32,021
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	64,379	64,379
	UNDISTRIBUTED ADJUSTMENTS		
080	UNDISTRIBUTED ADJUSTMENTS		145,400
	Retain Air National Guard Force Structure		[145,400]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		145,400

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, ANG	6,015,455	6,185,555
	MISCELLANEOUS APPROPRIATIONS		
	MISCELLANEOUS APPROPRIATIONS		
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759
030	COOPERATIVE THREAT REDUCTION	519,111	519,111
040	ACQ WORKFORCE DEV FD	274,198	274,198
050	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	1,237,989	1,237,989
	MISCELLANEOUS APPROPRIATIONS		
060	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	310,594	310,594
	MISCELLANEOUS APPROPRIATIONS		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	529,263	529,263
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE	13,516	13,516
080	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	24,649	24,649
	MISCELLANEOUS APPROPRIATIONS		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	237,543	237,543
	TOTAL MISCELLANEOUS APPROPRIATIONS	2,340,038	2,340,038
	TOTAL OPERATION & MAINTENANCE	174,938,933	175,569,407

1 SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS

2 CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
040	THEATER LEVEL ASSETS	2,758,162	2,758,162
050	LAND FORCES OPERATIONS SUPPORT	991,396	991,396
060	AVIATION ASSETS	40,300	40,300
070	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445
080	LAND FORCES SYSTEMS READINESS	307,244	307,244
100	BASE OPERATIONS SUPPORT	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	12,524,137	12,514,137
	Task Force for Stability Operations: Operations/Sustainment Request		[-10,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000
	Historical underexecution		[-200,000]
160	RESET	3,687,973	3,687,973
	SUBTOTAL OPERATING FORCES	23,107,822	22,897,822
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES	129,000	129,000
380	AMMUNITION MANAGEMENT	78,022	78,022
420	OTHER PERSONNEL SUPPORT	137,277	97,277
	Transfer to OPA OCO Line 061 at SOUTHCOM request		[-40,000]
430	OTHER SERVICE SUPPORT	72,293	72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	5,483,619	5,443,619
	TOTAL OPERATION & MAINTENANCE, ARMY	28,591,441	28,341,441

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
OPERATION & MAINTENANCE, NAVY			
OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,000	1,000
040	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794
050	AIR SYSTEMS SUPPORT	19,013	19,013
060	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000
080	AVIATION LOGISTICS	44,150	44,150
090	MISSION AND OTHER SHIP OPERATIONS	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING	24,774	24,774
110	SHIP DEPOT MAINTENANCE	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS	42,965	42,965
160	WARFARE TACTICS	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	19,226	19,226
180	COMBAT SUPPORT FORCES	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	94,655	94,655
260	WEAPONS MAINTENANCE	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,218	3,218
300	BASE OPERATING SUPPORT	143,442	143,442
	SUBTOTAL OPERATING FORCES	5,329,365	5,329,365
MOBILIZATION			
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	31,395	31,395
360	COAST GUARD SUPPORT	254,461	254,461
	SUBTOTAL MOBILIZATION	285,856	285,856
TRAINING AND RECRUITING			
400	SPECIALIZED SKILL TRAINING	50,903	50,903
	SUBTOTAL TRAINING AND RECRUITING	50,903	50,903
ADMIN & SRVWD ACTIVITIES			
480	ADMINISTRATION	1,377	1,377
490	EXTERNAL RELATIONS	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,022	6,022
520	OTHER PERSONNEL SUPPORT	3,514	3,514
550	SERVICEWIDE TRANSPORTATION	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE	1,425	1,425
710	CLASSIFIED PROGRAMS	14,556	14,556
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	214,271	214,271
	TOTAL OPERATION & MAINTENANCE, NAVY	5,880,395	5,880,395
OPERATION & MAINTENANCE, MARINE CORPS			
OPERATING FORCES			
010	OPERATIONAL FORCES	1,921,258	1,921,258
020	FIELD LOGISTICS	1,094,028	1,094,028
030	DEPOT MAINTENANCE	222,824	222,824
060	BASE OPERATING SUPPORT	88,690	88,690
	SUBTOTAL OPERATING FORCES	3,326,800	3,326,800
TRAINING AND RECRUITING			
110	TRAINING SUPPORT	215,212	215,212
	SUBTOTAL TRAINING AND RECRUITING	215,212	215,212
ADMIN & SRVWD ACTIVITIES			
150	SERVICEWIDE TRANSPORTATION	512,627	512,627
190	CLASSIFIED PROGRAMS	11,701	11,701
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	524,328	524,328
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	4,066,340	4,066,340
OPERATION & MAINTENANCE, AIR FORCE			
OPERATING FORCES			
010	PRIMARY COMBAT FORCES	1,494,144	1,494,144
020	COMBAT ENHANCEMENT FORCES	809,531	809,531

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS			
(In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	13,095	13,095
040	DEPOT MAINTENANCE	1,403,238	1,403,238
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954
060	BASE SUPPORT	342,226	342,226
070	GLOBAL C3I AND EARLY WARNING	15,108	15,108
080	OTHER COMBAT OPS SPT PROGRAMS	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	25,400	25,400
120	SPACE CONTROL SYSTEMS	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	52,173	52,173
	SUBTOTAL OPERATING FORCES	4,587,369	4,587,369
MOBILIZATION			
150	AIRLIFT OPERATIONS	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS	43,509	43,509
170	DEPOT MAINTENANCE	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431
190	BASE SUPPORT	9,256	9,256
	SUBTOTAL MOBILIZATION	3,799,350	3,799,350
TRAINING AND RECRUITING			
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424
240	BASE SUPPORT	1,036	1,036
250	SPECIALIZED SKILL TRAINING	10,923	10,923
260	FLIGHT TRAINING	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323
280	TRAINING SUPPORT	352	352
	SUBTOTAL TRAINING AND RECRUITING	13,130	13,130
ADMIN & SRVWD ACTIVITIES			
360	LOGISTICS OPERATIONS	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200
400	BASE SUPPORT	7,242	7,242
410	ADMINISTRATION	1,552	1,552
420	SERVICEWIDE COMMUNICATIONS	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES	582,977	582,977
480	CLASSIFIED PROGRAMS	20,270	20,270
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	841,764	841,764
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	9,241,613	9,241,613
OPERATION & MAINTENANCE, DEFENSE-WIDE OPERATING FORCES			
010	JOINT CHIEFS OF STAFF	2,000	2,000
020	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060
	SUBTOTAL OPERATING FORCES	2,505,060	2,505,060
ADMIN & SRVWD ACTIVITIES			
080	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674
090	DEFENSE CONTRACT MANAGEMENT AGENCY	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322
160	DEFENSE MEDIA ACTIVITY	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	2,100,000
	Program Decrease—Coalition Support Funds		[-100,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE	87,805	87,805
280	CLASSIFIED PROGRAMS	2,522,003	2,522,003
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	5,319,519	5,219,519
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	7,824,579	7,724,579
OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES			
030	ECHELONS ABOVE BRIGADE	78,600	78,600
050	LAND FORCES OPERATIONS SUPPORT	20,811	20,811
070	FORCE READINESS OPERATIONS SUPPORT	20,726	20,726
100	BASE OPERATIONS SUPPORT	34,400	34,400
	SUBTOTAL OPERATING FORCES	154,537	154,537

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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
	TOTAL OPERATION & MAINTENANCE, ARMY RES	154,537	154,537
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834
020	INTERMEDIATE MAINTENANCE	300	300
040	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364
060	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213
080	SHIP DEPOT MAINTENANCE	929	929
100	COMBAT SUPPORT FORCES	8,244	8,244
140	BASE OPERATING SUPPORT	40	40
	SUBTOTAL OPERATING FORCES	55,924	55,924
	TOTAL OPERATION & MAINTENANCE, NAVY RES ..	55,924	55,924
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	22,657	22,657
040	BASE OPERATING SUPPORT	2,820	2,820
	SUBTOTAL OPERATING FORCES	25,477	25,477
	TOTAL OPERATION & MAINTENANCE, MC RE- SERVE	25,477	25,477
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	7,600	7,600
030	DEPOT MAINTENANCE	106,768	106,768
050	BASE SUPPORT	6,250	6,250
	SUBTOTAL OPERATING FORCES	120,618	120,618
	TOTAL OPERATION & MAINTENANCE, AF RE- SERVE	120,618	120,618
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	38,485	38,485
020	MODULAR SUPPORT BRIGADES	1,959	1,959
030	ECHELONS ABOVE BRIGADE	20,076	20,076
040	THEATER LEVEL ASSETS	2,028	2,028
060	AVIATION ASSETS	183,811	183,811
070	FORCE READINESS OPERATIONS SUPPORT	43,780	43,780
100	BASE OPERATIONS SUPPORT	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S	20,072	20,072
	SUBTOTAL OPERATING FORCES	380,448	380,448
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEMEN COMMUNICATIONS	2,000	2,000
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	2,000	2,000
	TOTAL OPERATION & MAINTENANCE, ARNG	382,448	382,448
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	19,975	19,975
	SUBTOTAL OPERATING FORCES	19,975	19,975
	TOTAL OPERATION & MAINTENANCE, ANG	19,975	19,975
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,523,825	2,523,825
020	INFRASTRUCTURE	190,000	190,000
030	EQUIPMENT AND TRANSPORTATION	241,521	241,521
040	TRAINING AND OPERATIONS	758,380	758,380
	SUBTOTAL MINISTRY OF DEFENSE	3,713,726	3,713,726
	MINISTRY OF INTERIOR		
050	SUSTAINMENT	1,305,950	1,305,950

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	Conference Authorized
060	INFRASTRUCTURE	50,000	50,000
070	EQUIPMENT AND TRANSPORTATION	84,859	84,859
080	TRAINING AND OPERATIONS	569,868	569,868
	SUBTOTAL MINISTRY OF INTERIOR	2,010,677	2,010,677
RELATED ACTIVITIES			
090	SUSTAINMENT	18,325	18,325
100	INFRASTRUCTUE	1,200	1,200
110	EQUIPMENT & TRANSPORTATION	1,239	1,239
120	TRAINING AND OPERATIONS	4,000	4,000
	SUBTOTAL RELATED ACTIVITIES	24,764	24,764
	TOTAL AFGHANISTAN SECURITY FORCES FUND ...	5,749,167	5,749,167
AFGHANISTAN INFRASTRUCTURE FUND			
AFGHANISTAN INFRASTRUCTURE FUND			
010	POWER	400,000	350,000
	Program Decrease		[-50,000]
	SUBTOTAL AFGHANISTAN INFRASTRUCTURE FUND	400,000	350,000
	TOTAL AFGHANISTAN INFRASTRUCTURE FUND ...	400,000	350,000
	TOTAL OPERATION & MAINTENANCE	62,512,514	62,112,514

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TITLE XLIV—MILITARY

2

PERSONNEL

3

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2013 Request	Conference Authorized
MILITARY PERSONNEL	135,111,799	135,777,368
USMC military personnel in lieu of LAV funding		[129,729]
Retain Global Hawk		[22,000]
Restore accrual payments to the Medicare eligible health care trust fund		[672,000]
Unobligated balances		[-295,250]
Basic allowance for housing for members of the National Guard (Section 603)		[6,000]
Retain 128 Air National Guard AGRs for two air sovereignty alert locations		[8,300]
Retain Air National Guard Force Structure		[86,600]
Retain Air Force Reserve Force Structure		[17,100]

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SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTIN-

5

GENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Item	FY 2013 Request	Conference Authorized
MILITARY PERSONNEL	14,060,094	14,055,094
Navy identified excess to requirement		[-5,000]

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TITLE XLV—OTHER

2

AUTHORIZATIONS

3

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	60,037	60,037
TOTAL WORKING CAPITAL FUND, ARMY	60,037	60,037
WORKING CAPITAL FUND, AIR FORCE		
CONTAINER DECONSOLIDATION		
SUPPLIES AND MATERIALS (MEDICAL/DENTAL)	45,452	45,452
TOTAL WORKING CAPITAL FUND, AIR FORCE	45,452	45,452
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	39,135	39,135
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	39,135	39,135
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
TOTAL WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
NATIONAL DEFENSE SEALIFT FUND		
T-AKE		
MPF MLP	38,000	38,000
POST DELIVERY AND OUTFITTING	39,386	39,386
NATIONAL DEF SEALIFT VESSEL		
LG MED SPD RO/RO MAINTENANCE	128,819	128,819
DOD MOBILIZATION ALTERATIONS	26,598	26,598
TAH MAINTENANCE	29,199	29,199
RESEARCH AND DEVELOPMENT	42,811	42,811
READY RESERVE FORCE	303,323	303,323
TOTAL NATIONAL DEFENSE SEALIFT FUND	608,136	608,136
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	8,625,507	8,625,507
PRIVATE SECTOR CARE	16,148,263	15,788,263
Pilot program for treatment of Autism		[40,000]
TRICARE historical underexecution		[-400,000]
CONSOLIDATED HEALTH SUPPORT	2,309,185	2,309,185
INFORMATION MANAGEMENT	1,465,328	1,465,328
MANAGEMENT ACTIVITIES	332,121	332,121
EDUCATION AND TRAINING	722,081	722,081
BASE OPERATIONS/COMMUNICATIONS	1,746,794	1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE		452,000
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductibles for TRICARE Standard		[273,000]
Restore pharmacy co-pay estimated savings		[179,000]
RDT&E	672,977	672,977
PROCUREMENT	506,462	506,462
TOTAL DEFENSE HEALTH PROGRAM	32,528,718	32,620,718
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	635,843	635,843
RDT&E	647,351	647,351
PROCUREMENT	18,592	18,592
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	1,301,786	1,301,786
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM	109,818	135,718
Authorization increase expanded drug testing		[25,900]
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	999,363	1,025,263
OFFICE OF THE INSPECTOR GENERAL		

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	Conference Authorized
OPERATION & MAINTENANCE	272,821	331,921
DoD IG growth plan		[59,100]
RDT&E		
PROCUREMENT	1,000	1,000
TOTAL OFFICE OF THE INSPECTOR GENERAL	273,821	332,921
TOTAL OTHER AUTHORIZATIONS	37,228,008	37,405,008

1 **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CON-**
 2 **TINGENCY OPERATIONS.**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)		
Program Title	FY 2013 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	42,600	42,600
TOTAL WORKING CAPITAL FUND, ARMY	42,600	42,600
WORKING CAPITAL FUND, AIR FORCE		
C-17 CLS ENGINE REPAIR	230,400	230,400
TRANSPORTATION FALLEN HEROES	10,000	10,000
TOTAL WORKING CAPITAL FUND, AIR FORCE	240,400	240,400
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	220,364	220,364
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	220,364	220,364
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	483,326	483,326
PRIVATE SECTOR CARE	376,982	376,982
CONSOLIDATED HEALTH SUPPORT	111,675	111,675
INFORMATION MANAGEMENT	4,773	4,773
MANAGEMENT ACTIVITIES	660	660
EDUCATION AND TRAINING	15,370	15,370
BASE OPERATIONS/COMMUNICATIONS	1,112	1,112
TOTAL DEFENSE HEALTH PROGRAM	993,898	993,898
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	469,025	469,025
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	469,025	469,025
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	10,766	10,766
TOTAL OFFICE OF THE INSPECTOR GENERAL	10,766	10,766
TOTAL OTHER AUTHORIZATIONS	1,977,053	1,977,053

3 **TITLE XLVI—MILITARY**
 4 **CONSTRUCTION**

5 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army	Alaska Fort Wainwright	Modified Record Fire Range	10,400	10,400

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army	Joint Base Elmendorf-Richardson	Modified Record Fire Range	7,900	7,900
	California			
Army	Concord	Engineering/Housing Maintenance Shop	3,100	3,100
Army	Concord	Lightning Protection System	5,800	5,800
	Colorado			
Army	Fort Carson	Central Energy Plant	0	0
Army	Fort Carson	Digital Multipurpose Training Range	18,000	18,000
	District of Columbia			
Army	Fort Menair	Vehicle Storage Building, Installation	7,200	7,200
	Georgia			
Army	Fort Benning	Ground Source Heat Transfer System	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System	12,200	12,200
Army	Fort Gordon	Modified Record Fire Range	4,000	4,000
Army	Fort Gordon	Multipurpose Machine Gun Range	7,100	7,100
Army	Fort Stewart	Automated Combat Pistol Qual Crse	3,650	3,650
Army	Fort Stewart	Digital Multipurpose Training Range	22,000	22,000
Army	Fort Stewart	Unmanned Aerial Vehicle Complex	24,000	24,000
	Hawaii			
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course	29,000	29,000
Army	Schofield Barracks	Barracks	55,000	55,000
Army	Schofield Barracks	Barracks	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks	85,000	85,000
	Italy			
Army	Camp Ederle	Barracks	36,000	36,000
Army	Vicenza	Simulations Center	32,000	32,000
	Japan			
Army	Okinawa	Satellite Communications Facility	78,000	78,000
Army	Sagami	Vehicle Maintenance Shop	18,000	18,000
	Kansas			
Army	Fort Riley	Unmanned Aerial Vehicle Complex	12,200	12,200
	Kentucky			
Army	Fort Campbell	Battalion Headquarters Complex	55,000	55,000
Army	Fort Campbell	Live Fire Exercise Shoothouse	3,800	3,800
Army	Fort Campbell	Unmanned Aerial Vehicle Complex	23,000	23,000
Army	Fort Knox	Automated Infantry Squad Battle Course	6,000	6,000
	Korea			
Army	Camp Humphreys	Battalion Headquarters Complex	45,000	45,000
	Kwajalein Atoll			
Army	Kwajalein Atoll	Pier	0	0
	Missouri			
Army	Fort Leonard Wood	Battalion Complex Facilities	26,000	26,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2	58,000	58,000
Army	Fort Leonard Wood	Vehicle Maintenance Shop	39,000	39,000
	New Jersey			
Army	Joint Base McGuire-Dix-Lakehurst	Flight Equipment Complex	47,000	47,000
Army	Picatinny Arsenal	Ballistic Evaluation Center	10,200	10,200
	New York			
Army	Fort Drum, New York	Aircraft Maintenance Hangar	95,000	95,000
Army	U.S. Military Academy	Cadet Barracks, Inc 1	192,000	86,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range	42,000	42,000
Army	Fort Bragg	Infrastructure	30,000	0
Army	Fort Bragg	Unmanned Aerial Vehicle Complex	26,000	26,000
	Oklahoma			
Army	Fort Sill	Modified Record Fire Range	4,900	4,900
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 2, Ph 2	24,000	24,000
	Texas			
Army	Corpus Christi	Aircraft Component Maintenance Shop	13,200	13,200
Army	Corpus Christi	Aircraft Paint Shop	24,000	24,000
Army	Fort Bliss	Multipurpose Machine Gun Range	7,200	7,200
Army	Fort Hood	Modified Record Fire Range	4,200	4,200
Army	Fort Hood	Training Aids Center	25,000	25,000
Army	Fort Hood	Unmanned Aerial Vehicle Complex	22,000	22,000
Army	Joint Base San Antonio	Barracks	21,000	21,000
	Virginia			
Army	Arlington	Cemetery Expansion Millennium Site	84,000	0
Army	Fort Belvoir	Secure Admin/Operations Facility	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2	81,000	81,000
	Washington			
Army	Joint Base Lewis-Mechord	Battalion Complex	73,000	73,000
Army	Joint Base Lewis-Mechord	Waste Water Treatment Plant	91,000	91,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army	Yakima	Convoy Live Fire Range	5,100	5,100
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support Fy 13	34,000	34,000
Army	Unspecified Worldwide Locations	Minor Construction Fy 13	25,000	25,000
Army	Unspecified Worldwide Locations	Planning and Design Fy13	65,173	46,173
Total Military Construction, Army			1,923,323	1,684,323
	Arizona			
Navy	Yuma	Combat Aircraft Loading Apron	15,985	15,985
Navy	Yuma	Security Operations Complex	13,300	13,300
	Bahrain Island			
Navy	Sw Asia	Combined Dining Facility	9,819	9,819
Navy	Sw Asia	Transient Quarters	41,529	41,529
	California			
Navy	Camp Pendleton	Comm. Information Systems Ops Complex	78,897	78,897
Navy	Camp Pendleton	Mv22 Aviation Simulator Building	4,139	4,139
Navy	Camp Pendleton	San Jacinto Road Extension	5,074	5,074
Navy	Coronado	Bachelor Quarters	76,063	76,063
Navy	Coronado	H-60s Simulator Training Facility	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility	14,843	0
Navy	Miramar	Hangar 5 Renovations & Addition	27,897	27,897
Navy	Point Mugu	Bams Maintenance Training Facility	0	12,790
Navy	San Diego	Entry Control Point (Gate Five)	11,752	11,752
Navy	San Diego	Les Training Facility	59,436	59,436
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab	30,594	30,594
Navy	Twentynine Palms	Land Expansion Phase 2	47,270	47,270
	Diego Garcia			
Navy	Diego Garcia	Communications Infrastructure	1,691	1,691
	Djibouti			
Navy	Camp Lemonnier	Containerized Living and Work Units	7,510	0
Navy	Camp Lemonnier	Fitness Center	26,960	0
Navy	Camp Lemonnier	Galley Addition and Warehouse	22,220	0
Navy	Camp Lemonnier	Joint HQ/Joint Operations Center Facility	42,730	0
	Florida			
Navy	Jacksonville	Bams Mission Control Complex	21,980	21,980
	Greece			
Navy	Souda Bay	Aircraft Parking Apron Expansion	20,493	20,493
Navy	Souda Bay	Intermodal Access Road	4,630	4,630
	Guam			
Navy	Joint Region Marianas	North Ramp Parking (Andersen AFB)—Inc 2	25,904	25,904
	Hawaii			
Navy	Kaneohe Bay	Aircraft Staging Area	14,680	14,680
Navy	Kaneohe Bay	Mv-22 Hangar and Infrastructure	82,630	82,630
	Japan			
Navy	Iwakuni	Maintenance Hangar Improvements	5,722	5,722
Navy	Iwakuni	Vertical Take-Off and Landing Pad North	7,416	7,416
Navy	Okinawa	Bachelor Quarters	8,206	8,206
	Mississippi			
Navy	Meridian	Dining Facility	10,926	10,926
	New Jersey			
Navy	Earle	Combat System Engineering Building Addition	33,498	32,670
	North Carolina			
Navy	Camp Lejeune	Base Access and Road—Phase 3	40,904	40,904
Navy	Camp Lejeune	Staff Neo Academy Facilities	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory	11,581	11,581
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound	34,310	34,310
Navy	New River	Personnel Administration Center	8,525	8,525
	Romania			
Navy	Deveselu, Romania	Aegis Ashore Missile Defense Complex	45,205	45,205
	South Carolina			
Navy	Beaufort	Aircraft Maintenance Hangar	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades	13,675	13,675
Navy	Beaufort	Ground Support Equipment Shop	9,465	9,465
Navy	Beaufort	Recycling/Hazardous Waste Facility	3,743	3,743
Navy	Beaufort	Simulated Lhd Flight Deck	12,887	12,887
Navy	Parris Island	Front Gate Atfp Improvements	10,135	10,135
	Spain			
Navy	Rota	General Purpose Warehouse	3,378	3,378
Navy	Rota	High Explosive Magazine	13,837	13,837
	Virginia			
Navy	Dahlgren	Cruiser/Destroyer Upgrade Training Facility	16,494	16,494
Navy	Dahlgren	Physical Fitness Center	11,734	11,734

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Navy	Oceana Naval Air Station	A School Barracks	39,086	39,086
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade	32,706	32,706
Navy	Quantico	Infrastructure—Widen Russell Road	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7	31,012	31,012
Navy	Quantico	Weapons Training Battalion Mess Hall	12,876	12,876
Navy	Yorktown	Armory	4,259	4,259
Navy	Yorktown	Bachelor Enlisted Quarters	18,422	18,422
Navy	Yorktown	Motor Transportation Facility	6,188	6,188
Navy	Yorktown	Regimental Headquarters	11,015	11,015
Navy	Yorktown	Supply Warehouse Facility	8,939	8,939
	Washington			
Navy	Kitsap	Explosives Handling Wharf #2 (Inc)	280,041	254,241
Navy	Whidbey Island	Ea-18g Flight Simulator Facility	6,272	6,272
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Moon Design Funds	102,619	102,619
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	16,535	16,535
Navy	Various Worldwide Locations	Bans Operational Facilities	34,048	34,048
Total Military Construction, Navy			1,701,985	1,573,884
	Arkansas			
AF	Little Rock AFB	C-130J Flight Simulator Addition	4,178	4,178
AF	Little Rock AFB	C-130J Fuel Systems Maintenance Hangar	26,000	26,000
	Florida			
AF	Tyndall AFB	F-22 Adal Hangar for Low Observable/Composite	14,750	14,750
	Georgia			
AF	Fort Stewart, Georgia	Air Support Operations Center (ASOC)	7,250	7,250
AF	Moody AFB	HC-130J Simulator Facility	8,500	8,500
	Greenland			
AF	Thule Ab	Consolidated Engineer Shop and Supply Facility	0	0
AF	Thule Ab	Dormitory (48 Pn)	24,500	24,500
	Guam			
AF	Andersen AFB	Fuel Systems Hangar	0	0
	Italy			
AF	Aviano Ab	F-16 Mission Training Center	9,400	9,400
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Iner 2	161,000	128,000
	New Mexico			
AF	Holloman AFB	Mq-9 Maintenance Hangar	25,000	25,000
	North Dakota			
AF	Minot AFB	B-52 Add/Alter Munitions Age Facility	4,600	4,600
	Texas			
AF	Joint Base San Antonio	Dormitory (144 Rm)	18,000	18,000
	Utah			
AF	Hill AFB	F-35 Adal Building 118 for Flight Simulator	4,000	4,000
AF	Hill AFB	F-35 Adal Hangar 45w/AMU	7,250	7,250
AF	Hill AFB	F-35 Modular Storage Magazines	2,280	2,280
	Worldwide Unspecified			
AF	Lajes AFB	Sanitary Sewer Lift/Pump Station	2,000	2,000
AF	Rota	Transient Aircraft Hangars	15,032	0
AF	Rota	Transient Contingency Dormitory—100 Rm	17,625	0
AF	Unspecified Worldwide Locations	Planning and Design	18,635	18,635
AF	Various Worldwide Locations	Unspecified Minor Construction	18,200	18,200
Total Military Construction, Air Force			388,200	322,543
	Arizona			
Def-Wide	Marana	SOF Parachute Training Facility	6,477	6,477
Def-Wide	Yuma	Truck Unload Facility	1,300	1,300
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility	26,969	26,969
	California			
Def-Wide	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac ...	13,969	13,969
Def-Wide	Coronado	SOF Indoor Dynamic Shooting Facility	31,170	31,170
Def-Wide	Coronado	SOF Mobile Comm Detachment Support Facility ...	10,120	10,120
Def-Wide	Def Fuel Support Point—San Diego	Replace Fuel Pier	91,563	91,563
Def-Wide	Edwards Air Force Base	Replace Fuel Storage	27,500	27,500
Def-Wide	Twentynine Palms, California	Medical Clinic Replacement	27,400	27,400

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
	Colorado			
Def-Wide	Buckley Air Force Base	Denver Power House	30,000	30,000
Def-Wide	Fort Carson, Colorado	SOF Battalion Operations Complex	56,673	56,673
Def-Wide	Pikes Peak	High Altitude Medical Research Lab	3,600	3,600
	Delaware			
Def-Wide	Dover AFB	Replace Truck Off-Load Facility	2,000	2,000
	Florida			
Def-Wide	Eglin AFB	SOF Avfid Ops and Maintenance Facilities	41,695	41,695
Def-Wide	Hurlburt Field	Construct Fuel Storage Facility	16,000	16,000
Def-Wide	Macdill AFB	SOF Joint Special Ops University Fac (Jsou)	34,409	34,409
	Germany			
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Iner 2	127,000	127,000
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,413	2,413
Def-Wide	Vogelweh	Replace Vogelweh Elementary School	61,415	61,415
Def-Wide	Weisbaden	Weisbaden High School Addition	52,178	52,178
	Guam			
Def-Wide	Andersen AFB	Upgrade Fuel Pipeline	67,500	67,500
	Guantanamo Bay, Cuba			
Def-Wide	Guantanamo Bay	Replace Fuel Pier	37,600	37,600
Def-Wide	Guantanamo Bay	Replace Truck Load Facility	2,600	2,600
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	SOF Sdvt-1 Waterfront Operations Facility	24,289	24,289
	Illinois			
Def-Wide	Great Lakes	Drug Laboratory Replacement	28,700	28,700
Def-Wide	Scott AFB	DISA Facility Upgrades	84,111	84,111
Def-Wide	Scott AFB	Medical Logistics Warehouse	2,600	2,600
	Indiana			
Def-Wide	Grissom ARB	Replace Hydrant Fuel System	26,800	26,800
	Japan			
Def-Wide	Camp Zama	Renovate Zama High School	13,273	13,273
Def-Wide	Kadena Ab	Replace Elementary School	71,772	71,772
Def-Wide	Kadena Ab	Replace Stearley Heights Elementary School	71,773	71,773
Def-Wide	Sasebo	Replace Sasebo Elementary School	35,733	35,733
Def-Wide	Zukeran	Replace Zukeran Elementary School	79,036	79,036
	Kentucky			
Def-Wide	Fort Campbell, Kentucky	Replace Barkley Elementary School	41,767	41,767
Def-Wide	Fort Campbell, Kentucky	SOF Ground Support Battalion	26,313	26,313
Def-Wide	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension	3,559	3,559
	Korea			
Def-Wide	Kunsan Air Base	Medical/Dental Clinic Addition	13,000	13,000
Def-Wide	Osan AFB	Hospital Addition/Alteration	34,600	34,600
Def-Wide	Osan AFB	Replace Osan Elementary School	42,692	42,692
	Louisiana			
Def-Wide	Barksdale AFB	Upgrade Pumphouse	11,700	11,700
	Maryland			
Def-Wide	Annapolis	Health Clinic Replacement	66,500	66,500
Def-Wide	Bethesda Naval Hospital	Base Installation Access/Appearance Plan	7,000	7,000
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers	35,600	35,600
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities	26,600	26,600
Def-Wide	Fort Detrick	USAMRIID Stage I, Iner 7	19,000	19,000
Def-Wide	Fort Meade	High Performance Computing Center Inc 2	300,521	225,521
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1	25,000	25,000
	Missouri			
Def-Wide	Fort Leonard Wood	Dental Clinic	18,100	18,100
	New Mexico			
Def-Wide	Cannon AFB	Medical/Dental Clinic Replacement	71,023	71,023
Def-Wide	Cannon AFB	SOF Ac-130J Combat Parking Apron	22,062	22,062
	New York			
Def-Wide	Fort Drum, New York	Idt Complex	25,900	25,900
Def-Wide	Fort Drum, New York	Soldier Specialty Care Clinic	17,300	17,300
	North Carolina			
Def-Wide	Camp Lejeune, North Carolina	Medical Clinic Replacement	21,200	21,200
Def-Wide	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities	53,399	53,399
Def-Wide	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac	5,465	5,465
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	40,481	70,481

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex	31,373	31,373
Def-Wide	Fort Bragg	SOF Support Addition	3,875	3,875
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex	24,693	24,693
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement	53,600	53,600
Def-Wide	Seymour Johnson AFB	Replace Pipeline	1,850	1,850
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Communications Building	6,800	6,800
Def-Wide	Def Distribution Depot New Cumberland	Replace Reservoir	4,300	4,300
Def-Wide	Def Distribution Depot New Cumberland	Replace Sewage Treatment Plant	6,300	6,300
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex (Inc 1).	157,900	120,000
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement	57,200	57,200
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Iner 4	207,400	132,400
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Iner	80,700	26,400
Def-Wide	Red River Army Depot United Kingdom	Dfas Facility	16,715	16,715
Def-Wide	Menwith Hill Station	Mhs Utilities and Roads	3,795	3,795
Def-Wide	Menwith Hill Station	Replace Menwith Hill Elementary/High School	46,488	46,488
Def-Wide	Raf Feltwell	Feltwell Elementary School Addition	30,811	30,811
Def-Wide	Raf Mildenhall	SOF CV-22 Simulator Facility	6,490	6,490
	Utah			
Def-Wide	Camp Williams	Ic Cnei Data Center 1 Inc 4	191,414	191,414
	Virginia			
Def-Wide	Dam Neck	SOF Magazines	0	0
Def-Wide	Joint Expeditionary Base Little Creek— Story	SOF Combat Services Support Facility—East	11,132	11,132
Def-Wide	Norfolk	Veterinary Facility Replacement	8,500	8,500
	Washington			
Def-Wide	Fort Lewis	SOF Battalion Operations Facility	46,553	46,553
Def-Wide	Fort Lewis	SOF Military Working Dog Kennel	3,967	3,967
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Minor Construction	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning & Design	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	Planning and Design	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Planning and Design	8,300	8,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Mileon	3,000	3,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Total Military Construction, Defense-Wide			3,654,623	3,432,423
Chem Demil	Colorado Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiv	36,000	36,000
Chem Demil	Kentucky Blue Grass Army Depot	Ammunition Demilitarization Ph Xiii	115,000	115,000
Total Chemical Demilitarization Construction, Defense			151,000	151,000
NATO	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
Total NATO Security Investment Program			254,163	254,163
Army NG	Alabama Fort MC Clellan	Live Fire Shoot House	5,400	5,400
Army NG	Arkansas Searcy	Field Maintenance Shop	6,800	6,800
Army NG	California Fort Irwin	Maneuver Area Training & Equipment Site Ph3	25,000	25,000
Army NG	Connecticut Camp Hartell	Combined Support Maintenance Shop	32,000	32,000
Army NG	Delaware Bethany Beach	Regional Training Institute Ph1	5,500	5,500
Army NG	Florida Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
Army NG	Miramar	Readiness Center	20,000	20,000
Army NG	Guam Barrigada	JFHQ Ph4	8,500	8,500
Army NG	Hawaii Kapolei	Army Aviation Support Facility Ph1	28,000	28,000
Army NG	Idaho Orchard Training Area	Orte(Barracks)Ph2	40,000	40,000
Army NG	Indiana South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
Army NG	Terre Haute	Field Maintenance Shop	9,000	9,000
Army NG	Iowa Camp Dodge	Urban Assault Course	3,000	3,000
Army NG	Kansas Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500
Army NG	Kentucky Frankfort	Army Aviation Support Facility	32,000	32,000
Army NG	Massachusetts Camp Edwards	Ground Water Extraction, Treatment, and Recharge System.	0	0
Army NG	Camp Edwards	Unit Training Equipment Site	22,000	22,000
Army NG	Michigan Camp Grayling	Operational Readiness Training Complex (Orte) Barracks.	0	0
Army NG	Minnesota Arden Hills	Readiness Center	0	17,000
Army NG	Camp Ripley	Scout Reconnaissance Range	17,000	17,000
Army NG	St Paul	Readiness Center	17,000	0
Army NG	Missouri Fort Leonard Wood	Regional Training Institute	18,000	18,000
Army NG	Kansas City	Readiness Center Add/Alt	1,900	1,900
Army NG	Monett	Readiness Center Add/Alt	820	820
Army NG	Perryville	Readiness Center Add/Alt	700	700
Army NG	Montana Miles City	Readiness Center	11,000	11,000
Army NG	New Jersey Sea Girt	Regional Training Institute	34,000	34,000
Army NG	New York Stormville	Combined Support Maint Shop Ph1	24,000	24,000
Army NG	Ohio Chillicothe	Field Maintenance Shop Add/Alt	3,100	3,100
Army NG	Delaware	Readiness Center	12,000	12,000
Army NG	Oklahoma Camp Gruber	Operations Readiness Training Complex	25,000	25,000
Army NG	Puerto Rico Camp Santiago	Readiness Center	3,800	3,800
Army NG	Ceiba	Refill Station Building	2,200	2,200
Army NG	Guaynabo	Readiness Center (JFHQ)	15,000	15,000
Army NG	Gurabo	Readiness Center	14,700	14,700
Army NG	Utah Camp Williams	BEQ Facility (Regional Training Institute)	15,000	15,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army NG	Camp Williams Vermont	Regional Training Institute Ph2	21,000	21,000
Army NG	North Hyde Park Washington	Field Maintenance Shop	0	0
Army NG	Fort Lewis West Virginia	Readiness Center	35,000	35,000
Army NG	Logan Wisconsin	Readiness Center	14,200	14,200
Army NG	Wausau Worldwide Unspecified	Field Maintenance Shop	10,000	10,000
Army NG	Unspecified Worldwide Locations	Planning and Design	26,622	26,622
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	15,057	15,057
Total Military Construction, Army National Guard			613,799	613,799
Army Res	California Fort Hunter Liggett	Access Control Point	0	0
Army Res	Fort Hunter Liggett	Orce	64,000	64,000
Army Res	Fort Hunter Liggett	Uph Barracks	4,300	4,300
Army Res	Tustin Illinois	Army Reserve Center	27,000	27,000
Army Res	Fort Sheridan Maryland	Army Reserve Center	28,000	28,000
Army Res	Aberdeen Proving Ground	Army Reserve Center	21,000	21,000
Army Res	Baltimore Massachusetts	Add/Alt Army Reserve Center	10,000	10,000
Army Res	Devens Reserve Forces Training Area	Automatic Record Fire Range	4,800	4,800
Army Res	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification	3,700	3,700
Army Res	Nevada Las Vegas	Army Reserve Center/AMSA	21,000	21,000
Army Res	New Jersey Joint Base McGuire- Dix-Lakehurst	Automated Infantry Squad Battle Course	7,400	7,400
Army Res	Pennsylvania Conneaut Lake	Defense Access Road	0	0
Army Res	Washington Joint Base Lewis- Mechord	Army Reserve Center	40,000	40,000
Army Res	Wisconsin Fort Meccoy	Central Issue Facility	12,200	12,200
Army Res	Fort Meccoy	Dining Facility	8,600	8,600
Army Res	Fort Meccoy	Ecs Tactical Equip. Maint. Facility (Temf)	27,000	27,000
Army Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	15,951	15,951
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	10,895	10,895
Total Military Construction, Army Reserve			305,846	305,846
N/MC Res	Arizona Yuma	Reserve Training Facility—Yuma AZ	5,379	5,379
N/MC Res	Iowa Fort Des Moines	Joint Reserve Center—Des Moines IA	19,162	19,162
N/MC Res	Louisiana New Orleans	Transient Quarters	7,187	7,187
N/MC Res	New York Brooklyn	Vehicle Maint. Fac.—Brooklyn NY	4,430	4,430
N/MC Res	Texas Fort Worth	Commercial Vehicle Inspection Site	11,256	11,256
N/MC Res	Worldwide Unspecified Unspecified Worldwide Locations	Planning and Design	2,118	2,118
Total Military Construction, Naval Reserve			49,532	49,532
Air NG	California Fresno Yosemite IAP ANG	F-15 Conversion	11,000	11,000
Air NG	Hawaii Joint Base Pearl Har- bor-Hickam	TFI—F-22 Combat Apron Addition	6,500	6,500
	New Mexico			

SEC. 4601. MILITARY CONSTRUCTION				
(In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Air NG	Kirtland AFB Tennessee	Alter Target Intelligence Facility	8,500	8,500
Air NG	Meghee-Tyson Airport Worldwide Unspecified	Dormitory Classroom Facility	0	0
Air NG	Various Worldwide Locations	Planning and Design	4,000	4,000
Air NG	Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
Air NG	Wyoming Cheyenne Map	C-130 Flight Simulator Training Facility	6,486	6,486
Total Military Construction, Air National Guard			42,386	42,386
AF Res	California March Air Reserve Base	Joint Regional Deployment Processing Center	0	0
AF Res	New York Niagara Falls IAP Worldwide Unspecified	Flight Simulator Facility	6,100	6,100
AF Res	Various Worldwide Locations	Planning and Design	2,879	2,879
AF Res	Various Worldwide Locations	Unspecified Minor Construction	2,000	2,000
Total Military Construction, Air Force Reserve			10,979	10,979
FH Con Army	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing P&d	4,641	4,641
Total Family Housing Construction, Army			4,641	4,641
FH Ops Army	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Leasing	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Management Account	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	620	620
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	26,010	26,010
FH Ops Army	Unspecified Worldwide Locations	Services Account	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	88,112	88,112
Total Family Housing Operation And Maintenance, Army			530,051	530,051
FH Con AF	Worldwide Unspecified Unspecified Worldwide Locations	Improvements	79,571	79,571
FH Con AF	Unspecified Worldwide Locations	Planning and Design	4,253	4,253
Total Family Housing Construction, Air Force			83,824	83,824
FH Ops AF	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Leasing	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Maintenance (Rpma Rpme)	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Management Account	55,002	55,002
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Services Account	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	75,662	75,662

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Total Family Housing Operation And Maintenance, Air Force			497,829	497,829
FH Con Navy	Worldwide Unspecified Unspecified Worldwide Locations	Design	4,527	4,527
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,655	97,655
Total Family Housing Construction, Navy And Marine Corps			102,182	102,182
FH Ops Navy	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Leasing	83,774	83,774
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	85,254	85,254
FH Ops Navy	Unspecified Worldwide Locations	Management Account	62,741	62,741
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	491	491
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Services Account	19,615	19,615
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
Total Family Housing Operation And Maintenance, Navy And Marine Corps.			378,230	378,230
FH Ops DW	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	4,660	4,660
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	66	66
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,822	10,822
FH Ops DW	Unspecified Worldwide Locations	Leasing	35,333	35,333
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	73	73
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
FH Ops DW	Unspecified Worldwide Locations	Management Account	371	371
FH Ops DW	Unspecified Worldwide Locations	Services Account	31	31
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	12	12
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	283	283
Total Family Housing Operation And Maintenance, Defense-Wide			52,238	52,238
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786
Total DOD Family Housing Improvement Fund			1,786	1,786
BRAC 05	Worldwide Unspecified Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	Don-100: Planing, Design and Management	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Don-101: Various Locations	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	Don-138: NAS Brunswick, ME	4,897	4,897
BRAC 05	Unspecified Worldwide Locations	Don-157: Mesa Kansas City, MO	39	39
BRAC 05	Unspecified Worldwide Locations	Don-168: Ns Newport, RI	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	Don-172: NWS Seal Beach, Concord, CA	2,129	2,129

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
BRAC 05	Unspecified Worldwide Locations	Don-84: JRB Willow Grove & Cambria Reg Ap	189	189
BRAC 05	Unspecified Worldwide Locations	Ind-106: Kansas Army Ammunition Plant, KS	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	Ind-110: Mississippi Army Ammo Plant, MS	160	160
BRAC 05	Unspecified Worldwide Locations	Ind-112: River Bank Army Ammo Plant, CA	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	Ind-119: Newport Chemical Depot, IN	197	197
BRAC 05	Unspecified Worldwide Locations	Ind-122: Lone Star Army Ammo Plant, TX	11,379	11,379
BRAC 05	Unspecified Worldwide Locations	Med-2: Walter Reed Nmmc, Bethesda, MD	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	Med-57: Brooks City Base, TX	326	326
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	605	605
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	Usa-113: Fort Monroe, VA	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	Usa-121: Fort Gillem, GA	4,976	4,976
BRAC 05	Unspecified Worldwide Locations	Usa-167: USAR Command and Control-NE	175	175
BRAC 05	Unspecified Worldwide Locations	Usa-212: USAR Cmd & Cntrl-New England	222	222
BRAC 05	Unspecified Worldwide Locations	Usa-222: Fort Mepherston, GA	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	Usa-223: Fort Monmouth, NJ	9,989	9,989
BRAC 05	Unspecified Worldwide Locations	Usa-236: Re Transformation in CT	557	557
BRAC 05	Unspecified Worldwide Locations	Usa-242: Re Transformation in NY	172	172
BRAC 05	Unspecified Worldwide Locations	Usa-253: Re Transformation in PA	100	100
BRAC 05	Unspecified Worldwide Locations	Usa-36: Red River Army Depot	1,385	1,385
Total Base Realignment and Closure Account 2005			126,697	126,697
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Air Force	Base Realignment & Closure	122,552	122,552
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Army	Base Realignment & Closure	79,893	79,893
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Navy	Base Realignment & Closure	146,951	146,951
Total Base Realignment and Closure Account 1990			349,396	349,396
PYS	Worldwide Unspecified Unspecified Worldwide Locations	BRAC 2005	0	-132,513
PYS	Worldwide Unspecified Unspecified Worldwide Locations	Contingency Construction	0	-20,000
Total Prior Year Savings			0	-152,513
GR	Worldwide Unspecified Unspecified Worldwide Locations	Civilian Pay Raise Reduction	0	-2,334
Total General Reductions			0	-2,334
Total Military Construction, Base Funding			11,222,710	10,412,905

1 **SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CON-**
 2 **TINGENCY OPERATIONS.**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Service	Country and Location	Project	FY 2013 Request	Conference Authorized
Navy	Sw Asia	Combined Dining Facility	0	0
Navy	Sw Asia	Transient Quarters	0	0
Navy	Camp Lemonier, Djibouti ...	Containerized Living and Work Units	0	7,510
Navy	Camp Lemonier, Djibouti ...	Fitness Center	0	26,960
Navy	Camp Lemonier, Djibouti ...	Galley Addition and Warehouse	0	22,220
Navy	Camp Lemonier, Djibouti ...	Joint HQ/Joint Operations Center Facility	0	42,730
Total Military Construction, Navy			0	99,420
PYS	Unspecified Worldwide Lo- cations.	112-10 and Title Iv of Division H P.I. 112-74	0	-150,768
Total Prior Year Savings			0	-150,768
Total Military Construction, OCO Funding			0	-51,348

3 **TITLE XLVII—DEPARTMENT OF**
 4 **ENERGY NATIONAL SECURITY**
 5 **PROGRAMS**

6 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
 7 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)			
Program	FY 2013 Request	Conference Authorized	
Discretionary Summary By Appropriation			
Energy And Water Development, And Related Agencies			
Appropriation Summary:			
Energy Programs			
Electricity delivery and energy reliability	6,000	0	
Atomic Energy Defense Activities			
National nuclear security administration:			
Weapons activities	7,577,341	7,657,921	
Defense nuclear nonproliferation	2,458,631	2,485,631	
Naval reactors	1,088,635	1,088,635	
Office of the administrator	411,279	382,000	
Total, National nuclear security administration	11,535,886	11,614,187	
Environmental and other defense activities:			
Defense environmental cleanup	5,472,001	5,009,001	
Other defense activities	735,702	731,299	
Total, Environmental & other defense activities	6,207,703	5,740,300	
Total, Atomic Energy Defense Activities	17,743,589	17,354,487	
Total, Discretionary Funding	17,749,589	17,354,487	
Electricity Delivery & Energy Reliability			
Electricity Delivery & Energy Reliability			
Infrastructure security & energy restoration	6,000	0	
Weapons Activities			
Directed stockpile work			
Life extension programs			
B61 Life extension program	369,000	369,000	
W76 Life extension program	174,931	219,931	
Total, Life extension programs	543,931	588,931	
Stockpile assessment and design			

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS		
(In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
W78 Life extension study		0
W88 Alt 370		0
Total, Stockpile assessment and design	0	0
Stockpile systems		
Stockpile systems	0	
B61 Stockpile systems	72,364	72,364
W76 Stockpile systems	65,445	65,445
W78 Stockpile systems	139,207	139,207
W80 Stockpile systems	46,540	46,540
B83 Stockpile systems	57,947	57,947
W87 Stockpile systems	85,689	85,689
W88 Stockpile systems	123,217	123,217
Total, Stockpile systems	590,409	590,409
Weapons dismantlement and disposition		
Operations and maintenance	51,265	51,265
Stockpile services		
Production support	365,405	371,405
Research and development support	28,103	28,103
R&D certification and safety	191,632	199,632
Management, technology, and production	175,844	175,844
Plutonium sustainment	141,685	141,685
Total, Stockpile services	902,669	916,669
Total, Directed stockpile work	2,088,274	2,147,274
Campaigns:		
Science campaign		
Advanced certification	44,104	54,104
Primary assessment technologies	94,000	99,000
Dynamic materials properties	97,000	106,000
Advanced radiography	30,000	30,000
Secondary assessment technologies	85,000	85,000
Total, Science campaign	350,104	374,104
Engineering campaign		
Enhanced surety	46,421	54,421
Weapon systems engineering assessment technology	18,983	18,983
Nuclear survivability	21,788	21,788
Enhanced surveillance	63,379	63,379
Total, Engineering campaign	150,571	158,571
Inertial confinement fusion ignition and high yield campaign		
Diagnostics, cryogenics and experimental support	81,942	81,942
Ignition	84,172	84,172
Support of other stockpile programs	14,817	14,817
NIF diagnostics, cryogenics and experimental support	0	0
Pulsed power inertial confinement fusion	6,044	6,044
Joint program in high energy density laboratory plasmas	8,334	8,334
Facility operations and target production	264,691	264,691
Total, Inertial confinement fusion and high yield campaign	460,000	460,000
Advanced simulation and computing campaign	600,000	600,000
Readiness Campaign		
Stockpile readiness	0	0
High explosives and weapon operations	0	0
Nonnuclear readiness	64,681	64,681
Tritium readiness	65,414	65,414
Advanced design and production technologies	0	0
Total, Readiness campaign	130,095	130,095
Total, Campaigns	1,690,770	1,722,770
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	163,602	163,602
Lawrence Livermore National Laboratory	89,048	89,048

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS		
(In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
Los Alamos National Laboratory	335,978	335,978
Nevada National Security Site	115,697	115,697
Pantex	172,020	172,020
Sandia National Laboratory	167,384	167,384
Savannah River Site	120,577	120,577
Y-12 National security complex	255,097	255,097
Institutional site support	0	0
Total, Operations of facilities	1,419,403	1,419,403
Program Readiness	0	0
Science, technology and engineering capability support	166,945	166,945
Maintenance and repair of facilities	0	0
Nuclear operations capability support	203,346	203,346
Subtotal, Readiness in technical base and facilities	1,789,694	1,789,694
Construction:		
13-D-301 Electrical infrastructure upgrades, LANL/LLNL	23,000	23,000
12-D-301 TRU waste facilities, LANL	24,204	24,204
11-D-801 TA-55 Reinvestment project, LANL	8,889	8,889
10-D-501 Nuclear facilities risk reduction Y-12 National security complex, Oakridge, TN	17,909	17,909
09-D-404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	11,332	11,332
08-D-802 High explosive pressing facility Pantex Plant, Amarillo, TX	24,800	24,800
07-D-140 Project engineering and design (PED) various locations	0	0
06-D-140 Project engineering design (PED) various locations	0	0
06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12, Oak Ridge, TN	340,000	0
06-D-141 PED/Construction, Uranium Capabilities Replacement Project Y-12, Phase 1, Oak Ridge, TN	0	340,000
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	0	0
Total, Construction	450,134	450,134
Total, Readiness in technical base and facilities	2,239,828	2,239,828
Secure transportation asset		
Operations and equipment	114,965	114,965
Program direction	104,396	104,396
Total, Secure transportation asset	219,361	219,361
Nuclear counterterrorism incident response	247,552	247,552
Site stewardship		
Operations and maintenance	90,001	79,581
Construction		
11-D-601 Sanitary effluent reclamation facility, LANL	0	0
Total, Site stewardship	90,001	79,581
Defense nuclear security		
Operations and maintenance	643,285	643,285
NNSA CIO activities	155,022	155,022
Legacy contractor pensions	185,000	185,000
Science, Technology and Engineering Capability	0	0
National security applications	18,248	18,248
Subtotal, Weapons activities	7,577,341	7,657,921
Rescission		0
Total, Weapons Activities	7,577,341	7,657,921
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	398,186	398,186
Domestic Enrichment R&D	150,000	150,000
Subtotal, Nonproliferation and verification R&D	548,186	548,186

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
Nonproliferation and international security	150,119	150,119
International nuclear materials protection and cooperation	311,000	311,000
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	498,979	498,979
U.S. uranium disposition	29,736	29,736
Total, Operations and maintenance	528,715	528,715
Construction:		
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802	388,802
99-D-141-01 Pit disassembly and conversion facility, Savannah River, SC	0	0
99-D-141-02 Waste Solidification Building, Savannah River, SC	0	0
Total, Construction	388,802	388,802
Total, U.S. surplus fissile materials disposition	917,517	917,517
Russian surplus fissile materials disposition	3,788	3,788
Total, Fissile materials disposition	921,305	921,305
Global threat reduction initiative	466,021	493,021
Legacy contractor pensions	62,000	62,000
Subtotal, Defense Nuclear Nonproliferation	2,458,631	2,507,211
Rescission		0
Total, Defense Nuclear Nonproliferation	2,458,631	2,485,631
Naval Reactors		
Naval reactors development	418,072	418,072
Ohio replacement reactor systems development	89,700	89,700
SSG Prototype refueling	121,100	121,100
Naval reactors operations and infrastructure	366,961	366,961
Construction:		
13-D-905 Remote-handled low-level waste facility, INL	8,890	8,890
13-D-904 KS Radiological work and storage building, KSO	2,000	2,000
13-D-903, KS Prototype Staff Building, KSO	14,000	14,000
10-D-903, Security upgrades, KAPL	19,000	19,000
10-D-904, NRF infrastructure upgrades, Idaho	0	0
09-D-902, NRF Office Building #2 ECC Upgrade, Idaho	0	0
08-D-190 Expanded Core Facility M-290 recovering discharge station, Naval Reactor Facility, ID	5,700	5,700
07-D-190 Materials research technology complex (MRTC)	0	0
Total, Construction	49,590	49,590
Program direction	43,212	43,212
Subtotal, Naval Reactors	1,088,635	1,088,635
Adjustments:		
Rescission of prior year balances	0	0
Total, Naval Reactors	1,088,635	1,088,635
Office Of The Administrator		
Office of the administrator	411,279	382,000
Total, Office Of The Administrator	411,279	382,000
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	1,990	1,990
Hanford site:		
River corridor and other cleanup operations	389,347	389,347
Central plateau remediation	558,820	558,820
Richland community and regulatory support	15,156	15,156

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
Total, Hanford site	963,323	963,323
Idaho National Laboratory:		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	399,607	399,607
NNSA sites		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D & D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
Total, NNSA sites and Nevada off-sites	334,268	334,268
Oak Ridge Reservation:		
Building 3019	0	0
OR Nuclear facility D & D	67,525	67,525
OR cleanup and disposition	109,470	109,470
OR reservation community and regulatory support	4,500	4,500
Total, Oak Ridge Reservation	181,495	181,495
Office of River Protection:		
Waste treatment and immobilization plant		
01-D-416 A-E/ORP-0060 / Major construction	690,000	690,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	482,113	482,113
Total, Office of River protection	1,172,113	1,172,113
Savannah River sites:		
Savannah River risk management operations	444,089	444,089
SR community and regulatory support	16,584	16,584
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	698,294	698,294
Construction:		
05-D-405 Salt waste processing facility, Savannah River	22,549	22,549
PE&D glass waste storage building #3	0	0
Total, Radioactive liquid tank waste	720,843	720,843
Total, Savannah River site	1,181,516	1,181,516
Waste Isolation Pilot Plant		
Waste isolation pilot plant	198,010	198,010
Total, Waste Isolation Pilot Plant	198,010	198,010
Program direction	323,504	323,504
Program support	18,279	18,279
Safeguards and Security:		
Oak Ridge Reservation	18,817	18,817
Paducah	8,909	8,909
Portsmouth	8,578	8,578
Richland/Hanford Site	71,746	71,746
Savannah River Site	121,977	121,977
Waste Isolation Pilot Project	4,977	4,977
West Valley	2,015	2,015
Total, Safeguards and Security	237,019	237,019
Technology development	20,000	20,000
Uranium enrichment D&D fund contribution	463,000	0
Subtotal, Defense environmental cleanup	5,494,124	5,031,124
Adjustments		
Use of prior year balances	-12,123	-12,123
Use of unobligated balances	-10,000	-10,000
Rescission		
Total, Adjustments	-22,123	-22,123
Total, Defense Environmental Cleanup	5,472,001	5,009,001

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2013 Request	Conference Authorized
Other Defense Activities		
Health, safety and security		
Health, safety and security	139,325	139,325
Program direction	106,175	106,175
Undistributed adjustment		-4,403
Total, Health, safety and security	245,500	241,097
Specialized security activities	188,619	188,619
Office of Legacy Management		
Legacy management	164,477	164,477
Program direction	13,469	13,469
Total, Office of Legacy Management	177,946	177,946
Defense-related activities		
Infrastructure		
Idaho sitewide safeguards and security	0	0
Defense related administrative support	118,836	118,836
Office of hearings and appeals	4,801	4,801
Subtotal, Other defense activities	735,702	731,299
Total, Other Defense Activities	735,702	731,299

And the Senate agree to the same.