

112TH CONGRESS
2D SESSION

S. 2467

To authorize appropriations for fiscal year 2013 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2013, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2012

Mr. LEVIN (for himself and Mr. MCCAIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 2013 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2013, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

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

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

3 (a) DIVISIONS.—This act is organized into two divi-
 4 sions as follows:

5 (1) DIVISION A.—Department of Defense Au-
 6 thorizations.

7 (2) DIVISION B.—Military Construction Au-
 8 thorizations.

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

Sec. 1. Short title.

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Joint Improvised Explosive Device Defeat Fund.

Sec. 106. Defense Production Act purchases.

Subtitle B—Specific Programs

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

Sec. 112. Multiyear procurement authority for Arleigh Burke class destroyers
and associated systems.

Sec. 113. Multiyear procurement authority for V-22 joint aircraft program.

Sec. 114. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.

Sec. 115. Multiyear procurement authority for Virginia class submarine pro-
gram.

Sec. 116. Extension of multiyear procurement authority for F/A-18E, F/A-
18F, and EA-18G aircraft.

Sec. 117. Authority for reallocation of certain Aegis weapon system assets be-
tween and within the DDG-51 destroyer and Aegis Ashore
programs in order to meet mission requirements.

Sec. 118. Reduction in number of aircraft required to be maintained in stra-
tegic airlift aircraft inventory.

Sec. 119. Quadrennial long-term plan for the procurement of aircraft for the
Navy and the Air Force.

Sec. 120. Ford class aircraft carrier procurement.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of appropriations.
- Sec. 202. Eligibility for Department of Defense laboratories to enter into educational partnerships with educational institutions in United States territories and possessions.
- Sec. 203. Transfer of administration of Ocean Research Advisory Panel from Department of the Navy to National Oceanic and Atmospheric Administration.

TITLE III—OPERATION AND MAINTENANCE

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.
- Sec. 303. Repeal of certain record keeping and reporting requirements applicable to commissary and exchange stores overseas.
- Sec. 304. Authority to pay for contract fees and program costs of the Department of Defense Overseas Military Banking Program from operating and retained revenue of the program.
- Sec. 305. Expansion of use of uniform funding authority to permanent change of station and temporary duty lodging programs operated through nonappropriated fund instrumentalities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

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.

TITLE V—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Officer Personnel Policy

- Sec. 501. Exception to 30-year retirement for Regular Navy warrant officers in the grade of Chief Warrant Officer, W-5.
- Sec. 502. Standardization of grade for certain medical and dental branch chief positions.
- Sec. 503. Revision to definition of joint duty assignment to include all instructor assignments for joint training and education.
- Sec. 504. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.

- Sec. 505. 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. 506. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.
- Sec. 507. Force management enhancements.

Subtitle B—Reserve Component Management

- Sec. 511. Authority for persons who are lawful permanent residents to be appointed as officers of the National Guard.
- Sec. 512. Placement of National Guard non-dual status technicians in the excepted service with all dual status National Guard technicians.
- Sec. 513. Transfer of responsibility for Reserve Component Suicide Prevention and Resilience Program.
- Sec. 514. Authority for service commitment for reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve.
- Sec. 515. Pilot program to allow establishment of active status and inactive status lists of members in the inactive National Guard.
- Sec. 516. Reinstatement of temporary special retirement qualification authority for reserve component members of the Air National Guard of the United States with 15 years of qualifying service.

Subtitle C—Education and Training

- Sec. 521. Inclusion of the School of Advanced Military Studies Senior Level Course as a Senior Level service school.
- Sec. 522. Support of Naval Academy athletic programs.
- Sec. 523. Modification of eligibility for associate degree programs under the Community College of the Air Force.
- Sec. 524. Repeal of requirement that at least 50 percent of participants in Senior Reserve Officers' Training Corps program be eligible for in-State tuition.
- Sec. 525. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior ROTC.

Subtitle D—Defense Dependents Education

- Sec. 531. Transfer of Troops-to-Teachers program from Department of Education to Department of Defense and enhancements to the program.
- Sec. 532. Modification of authority to allow Department of Defense Domestic Dependent Elementary and Secondary schools to enroll certain students.
- Sec. 533. Authority for acceptance of gifts and other private support for Marine Corps University.

Subtitle E—Other Matters

- Sec. 541. Air Force Chief and Deputy Chief of Chaplains.
- Sec. 542. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.

- Sec. 543. Modification of prohibition on refusal of voter registration applications and absentee ballot requests.
- Sec. 544. Inclusion of Northern Mariana Islands as a “State” for purposes of the Uniformed and Overseas Citizens Absentee Voting Act.
- Sec. 545. Clarification and enhancement of the role of the Staff Judge Advocate to the Commandant of the Marine Corps.
- Sec. 546. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing.
- Sec. 547. Clarification of authorized Fisher House residents at the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware.
- Sec. 548. Repeal of alternative mechanism for required allotments from pay for child and spousal support owed by members of the uniformed services on active duty.
- Sec. 549. Reduction in requirements for publication in Federal Register under Solomon Amendment.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

- Sec. 601. 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. 602. Transitional compensation for dependent children who were carried during pregnancy at the time of the dependent-abuse offense.
- Sec. 603. Increase in amount of Officer Affiliation Bonus for officers in the Selected Reserve.
- Sec. 604. Basic allowance for housing for two-member couples when one is on sea duty.
- Sec. 605. Change to the definition of dependent for purposes of limiting the terms of consumer credit for certain members of the Armed Forces and their dependents.
- Sec. 606. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 607. Revision to certain definitions relating to families of servicemembers for purposes of family and medical leave.
- Sec. 608. Increase in maximum amount of incentive bonus for reserve component members who convert Military Occupational Specialty to ease personnel shortages.
- Sec. 609. Modifications to Career Intermission Pilot Program.
- Sec. 610. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.

TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Revisions to TRICARE cost sharing requirements.
- Sec. 702. Requirement for Medicare participating physician or supplier to accept TRICARE and Veterans Affairs participating rates.
- Sec. 703. Authority for automatic enrollment in TRICARE prime of dependents of members in pay grades above pay grade E-4.
- Sec. 704. Exclusion from authorized medical care for dependents of maternity care for fee-basis surrogate pregnancies.

- Sec. 705. Extension of TRICARE Standard coverage and TRICARE Dental Program for members of the Selected Reserve who are involuntarily separated.
- Sec. 706. Clarification of applicability of Federal Tort Claims Act to subcontractors employed to provide health care services to the Department of Defense.
- Sec. 707. Modifications to requirement for Secretary of Defense to conduct mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
- Sec. 708. Inclusion of certain over-the-counter drugs in TRICARE Uniform formulary.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,
AND RELATED MATTERS

- Sec. 801. Reduction in requirements for submission of Selected Acquisition Reports for major defense acquisition programs.
- Sec. 802. Authorization for entering into multiyear contracts with federally funded research and development centers.
- Sec. 803. Authority for the Secretary of Defense to provide fee-for-service inspection and testing by the Defense Contract Management Agency for certain critical equipment in the absence of a procurement contract.
- Sec. 804. Elimination of continuous-days-of-session requirement for congressional notification of the lease of certain vessels by the Department of Defense.
- Sec. 805. Disestablishment of Defense Materiel Readiness Board.
- Sec. 806. Revision to definition of term “commercial item” for purposes of Federal procurement statutes providing procedures for procurement of commercial items.
- Sec. 807. Treatment of reviews of programs experiencing critical cost growth when cost growth is primarily due to quantity changes.
- Sec. 808. Change in authorities relating to scope of work variations.
- Sec. 809. Treatment of procurements on behalf of the Department of Defense in accordance with the Department of Energy’s Work for Others program.
- Sec. 810. Enhancement of review of acquisition process for rapid fielding of capabilities in response to urgent operational needs.
- Sec. 811. Repeal of application of requirement to review ongoing programs initiated prior to certification under section 2366b of title 10, United States Code.
- Sec. 812. Permanent authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 813. Special emergency procurement authority for domestic emergency operations.
- Sec. 814. Defense Coalition Repair Fund.
- Sec. 815. Enhancement of Department of Defense capabilities to deter and respond to contractor fraud.
- Sec. 816. Extension of authority for Task Force for Business and Stability Operations in Afghanistan.
- Sec. 817. Timeliness rules for filing bid protests at the United States Court of Federal Claims.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND
MANAGEMENT

Subtitle A—Intelligence-Related Matters

- Sec. 901. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.
- Sec. 902. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.
- Sec. 903. Revision of Secretary of Defense authority to engage in commercial activities as security for intelligence collection activities and military operations abroad.

Subtitle B—Space Activities

- Sec. 911. Revisions to policy on development and procurement of unmanned systems.
- Sec. 912. Repeal of requirement for biennial report on Global Positioning System.
- Sec. 913. Repeal of requirement for Operationally Responsive Space Program Office in Department of Defense.
- Sec. 914. Commercial space launch cooperation.

TITLE X—GENERAL PROVISIONS

- Sec. 1001. Technical amendments to repeal statutory references to United States Joint Forces Command.
- Sec. 1002. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
- Sec. 1003. Congressional funeral support.
- Sec. 1004. Military museums' acceptance of private support.
- Sec. 1005. Clarification of parties with whom Department of Defense may conduct exchanges of real property at military installations.
- Sec. 1006. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.
- Sec. 1007. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
- Sec. 1008. Pueblo Chemical Depot and Blue Grass Army Depot chemical agent and munitions destruction technologies.
- Sec. 1009. Streamlining of procedures for purchase and release of materials under Strategic and Critical Materials Stockpiling Act.
- Sec. 1010. Requirement for certification once every three years rather than annually for authority to provide certain support for counter-drug activities to specified foreign countries.
- Sec. 1011. Extension of authority to support unified counter-drug and counter-terrorism campaign in Colombia and of numerical limitation on assignment of United States personnel in Colombia.
- Sec. 1012. Technical clarification of scope of procedures required for periodic detention review of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.
- Sec. 1102. Authority for transportation of family household pets of civilian personnel during evacuation of non-essential personnel.
- Sec. 1103. Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies.

- Sec. 1104. Authority to waive annual limitations on premium and aggregate pay for certain Federal civilian employees working overseas.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. Improved administration of the American, British, Canadian, and Australian Armies' Program.
- Sec. 1202. Three-year extension of authority for non-reciprocal exchanges of Defense personnel between the United States and foreign countries.
- Sec. 1203. Repeal of requirement for advance notification to Congress of transfer of certain excess defense articles.
- Sec. 1204. Designation of additional "High Income" countries prohibited from receiving International Military Education and Training Grant Assistance under chapter 5 of the Foreign Assistance Act.
- Sec. 1205. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1206. United States participation in Headquarters Eurocorps.
- Sec. 1207. Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services.
- Sec. 1208. Extension of expiration date of transitional authorities to provide assistance to enhance the capacity of counterterrorism forces of certain East African countries and Yemen.
- Sec. 1209. Three-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense Regional Centers for Security Studies.
- Sec. 1210. Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
- Sec. 1211. Extension of Commanders' Emergency Response Program in Afghanistan.
- Sec. 1212. Extension of authorities relating to program to build the capacity of foreign military forces.
- Sec. 1213. One-year extension of authority to use funds for reintegration activities in Afghanistan.
- Sec. 1214. Authority for funds available in the Joint Improvised Explosive Device Defeat Fund to be used to support programs that mitigate threats to United States forces in Afghanistan.
- Sec. 1215. One-year extension and modification of the authority to carry out infrastructure projects in Afghanistan.
- Sec. 1216. Extension of authority for reimbursement of certain coalition nations for support provided to United States military operations.

TITLE XIII—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1301. Working capital funds.
- Sec. 1302. National Defense Sealift Fund.
- Sec. 1303. Joint Urgent Operational Needs Fund.
- Sec. 1304. Chemical Agents and Munitions Destruction, Defense.
- Sec. 1305. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 1306. Defense Inspector General.
- Sec. 1307. Defense Health Program.

Subtitle B—Other Matters

- Sec. 1311. Authorization of appropriations for Armed Forces Retirement Home.
- Sec. 1312. Authority for transfer of funds to Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

TITLE XIV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS
FOR OVERSEAS CONTINGENCY OPERATIONS FOR FISCAL YEAR
2013

- Sec. 1401. Purpose.
- Sec. 1402. Army procurement.
- Sec. 1403. Joint Improvised Explosive Device Defeat Fund.
- Sec. 1404. Navy and Marine Corps procurement.
- Sec. 1405. Air Force procurement.
- Sec. 1406. Joint Urgent Operational Needs Fund.
- Sec. 1407. Defense-wide activities procurement.
- Sec. 1408. Research, development, test, and evaluation.
- Sec. 1409. Operation and maintenance.
- Sec. 1410. Military personnel.
- Sec. 1411. Working Capital Funds.
- Sec. 1412. Defense Health Program.
- Sec. 1413. Drug Interdiction and Counter-Drug Activities, Defense-Wide.
- Sec. 1414. Defense Inspector General.
- Sec. 1415. Afghanistan Security Forces Fund.

TITLE XV—MILITARY RETIREMENT MODERNIZATION
COMMISSION

- Sec. 1501. Short title.
- Sec. 1502. Purpose.
- Sec. 1503. Definitions.
- Sec. 1504. Establishment of Military Retirement Modernization Commission.
- Sec. 1505. Commission hearings and meetings.
- Sec. 1506. Principles and procedure for Commission recommendations.
- Sec. 1507. Presidential and congressional consideration of Commission recommendations.
- Sec. 1508. Authorization of appropriations and funding.
- Sec. 1509. Pay for members of the Commission.
- Sec. 1510. Executive Director.
- Sec. 1511. Staff.
- Sec. 1512. Contracting authority.
- Sec. 1513. Judicial review precluded.
- Sec. 1514. Termination.

TITLE XVI—BENEFITS FOR FEDERAL CIVILIAN EMPLOYEES IN
ZONES OF ARMED CONFLICT

- Sec. 1601. Short title.
- Sec. 1602. Definition of designated zone of armed conflict.
- Sec. 1603. Benefits for employees in designated zones of armed conflict.
- Sec. 1604. Waiver of certain pay limitations.
- Sec. 1605. Leave authorities.

- Sec. 1606. Other benefits for deployed employees in a designated zone of armed conflict.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
 Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

TITLE XXI—ARMY MILITARY 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. Additional authority to carry out certain fiscal year 2013 projects.
 Sec. 2106. Extension of authorizations of certain fiscal year 2009 projects.
 Sec. 2107. Extension of authorizations of certain fiscal year 2010 projects.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
 Sec. 2202. Family housing.
 Sec. 2203. Improvements to military family housing units.
 Sec. 2204. Authorization of appropriations, Navy.
 Sec. 2205. 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.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized air force construction and land acquisition projects.
 Sec. 2302. Family housing.
 Sec. 2303. Improvements to military family housing units.
 Sec. 2304. Authorization of appropriations, Air Force.
 Sec. 2305. Additional authority to carry out certain fiscal year 2013 projects.
 Sec. 2306. Extension of authorizations of certain fiscal year 2010 projects.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

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. Extension of authorization of certain fiscal year 2010 project.
 Sec. 2405. Modification of authority to carry out certain fiscal year 2012 projects.

Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.
 Sec. 2412. Modification of authority to carry out certain fiscal year 1997 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
SECURITY INVESTMENT PROGRAM

- Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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 projects.
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 and 2011 projects.
Sec. 2612. Additional authority to carry out certain fiscal year 2013 Army projects.
Sec. 2613. Additional authority to carry out certain fiscal year 2013 Air Force projects.
Sec. 2614. Extension of authorization of certain fiscal year 2009 project.
Sec. 2615. Extension of authorization of certain fiscal year 2010 projects.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

- Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Technical amendments to section 2702 of fiscal year 2012 act.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

- Sec. 2801. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.
Sec. 2802. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
Sec. 2803. Authority for use of multiple appropriations for infrastructure projects at Arlington National Cemetery.
Sec. 2804. Revisions to minor military construction authorities.
Sec. 2805. Authority for acceptance of funds to cover administrative expenses associated with real property leases and easements.
Sec. 2806. Modification to authorized land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska.

TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

- Sec. 2901. Short title and purpose.
 Sec. 2902. The Commission.
 Sec. 2903. Procedure for making recommendations for base closures and realignments.
 Sec. 2904. Closure and realignment of military installations.
 Sec. 2905. Implementation.
 Sec. 2906. Department of Defense Base Closure Account 2012.
 Sec. 2907. Reports.
 Sec. 2908. Congressional consideration of Commission report.
 Sec. 2909. Restriction on other base closure authority.
 Sec. 2910. Definitions.
 Sec. 2911. Treatment as a base closure law for purposes of other provisions of law.
 Sec. 2912. Conforming amendments.

1 **DIVISION A—DEPARTMENT OF**
 2 **DEFENSE AUTHORIZATIONS**
 3 **TITLE I—PROCUREMENT**
 4 **Subtitle A—Authorization of**
 5 **Appropriations**

6 **SEC. 101. ARMY.**

7 Funds are hereby authorized to be appropriated for
 8 fiscal year 2013 for procurement for the Army as follows:

9 (1) For aircraft, \$5,853,729,000.

10 (2) For missiles, \$1,302,689,000.

11 (3) For weapons and tracked combat vehicles,
 12 \$1,501,706,000.

13 (4) For ammunition, \$1,739,706,000.

14 (5) For other procurement, \$6,326,245,000.

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

16 Funds are hereby authorized to be appropriated for
 17 fiscal year 2013 for procurement for the Navy and Marine
 18 Corps as follows:

19 (1) For aircraft, \$17,129,296,000.

1 (2) For weapons, including missiles and tor-
2 pedoes, \$3,117,578,000.

3 (3) For shipbuilding and conversion,
4 \$13,579,845,000.

5 (4) For other procurement, \$6,169,378,000.

6 (5) For procurement, Marine Corps,
7 \$1,622,955,000.

8 (6) For ammunition procurement, Navy and
9 Marine Corps, \$759,539,000.

10 **SEC. 103. AIR FORCE.**

11 (a) FISCAL YEAR 2013.—Funds are hereby author-
12 ized to be appropriated for fiscal year 2013 for procure-
13 ment for the Air Force as follows:

14 (1) For aircraft, \$11,002,999,000.

15 (2) For ammunition, \$599,194,000.

16 (3) For missiles, \$5,491,846,000.

17 (4) For other procurement, \$16,720,848,000.

18 (b) ADVANCE APPROPRIATIONS.—Funds, in the form
19 of advance appropriations, are hereby authorized to be ap-
20 propriated for procurement of missiles for the Air Force
21 to fully fund the procurement of Advanced Extremely
22 High Frequency communications satellites 5 and 6 and
23 Space Based Infrared System missile warning satellites 5
24 and 6, as follows:

25 (1) For fiscal year 2014, \$833,500,000.

1 (2) For fiscal year 2015, \$763,900,000.

2 (3) For fiscal year 2016, \$708,400,000.

3 (4) For fiscal year 2017, \$1,107,200,000.

4 (5) For fiscal year 2018, \$1,013,700,000.

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

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2013 for Defense-wide procurement in the
8 amount of \$4,187,935,000.

9 **SEC. 105. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
10 **FUND.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2013 for the Joint Improvised Explosive Device
13 Defeat Fund in the amount of \$227,414,000.

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

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2013 for purchases under the Defense Produc-
17 tion Act of 1950 (50 U.S.C. App. 2061 et seq.) in the
18 amount of \$89,189,000.

19 **Subtitle B—Specific Programs**

20 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**
21 **ARMY CH-47F HELICOPTERS.**

22 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
23 Subject to section 2306b of title 10, United States Code,
24 the Secretary of the Army may enter into a multiyear con-
25 tract or contracts, beginning with the fiscal year 2013 pro-

1 gram year, for the procurement of airframes for CH-47F
2 helicopters.

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

9 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR**
10 **ARLEIGH BURKE CLASS DESTROYERS AND**
11 **ASSOCIATED SYSTEMS.**

12 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
13 Subject to section 2306b of title 10, United States Code,
14 the Secretary of the Navy may enter into multiyear con-
15 tracts, beginning with the fiscal year 2013 program year,
16 for the procurement of Arleigh Burke class guided missile
17 destroyers, as well as the AEGIS Weapon Systems, MK
18 41 Vertical Launching Systems, and Commercial
19 Broadband Satellite Systems associated with those vessels.

20 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
21 Secretary of the Navy may enter into one or more con-
22 tracts, beginning in fiscal year 2013, for advance procure-
23 ment associated with the vessels and systems for which
24 authorization to enter into a multiyear procurement con-
25 tract is provided under subsection (a).

1 (c) 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 or funds for that purpose for such later fiscal year.

7 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR V-22**
8 **JOINT AIRCRAFT PROGRAM.**

9 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
10 Subject to section 2306b of title 10, United States Code,
11 the Secretary of the Navy may enter into a multiyear con-
12 tract or contracts, beginning with the fiscal year 2013 pro-
13 gram year, for the procurement of V-22 aircraft for the
14 Department of the Navy, Department of the Air Force
15 and the United States Special Operations Command.

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

22 **SEC. 114. REFUELING AND COMPLEX OVERHAUL OF THE**
23 **U.S.S. ABRAHAM LINCOLN.**

24 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—
25 Of the amount appropriated or otherwise made available

1 for shipbuilding and conversion, Navy, for fiscal year
2 2013, \$1,613,392,000 is authorized to be available for the
3 commencement of the nuclear refueling and complex over-
4 haul of the U.S.S. Abraham Lincoln (CVN-72) during fis-
5 cal year 2013. The amount authorized to be made avail-
6 able in the preceding sentence is the first increment in
7 the two-year sequence of incremental funding planned for
8 the nuclear refueling and complex overhaul of that vessel.

9 (b) CONTRACT AUTHORITY.—The Secretary of the
10 Navy is authorized to enter into a contract during fiscal
11 year 2013 for the nuclear refueling and complex overhaul
12 of the U.S.S. Abraham Lincoln.

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

19 **SEC. 115. MULTIYEAR PROCUREMENT AUTHORITY FOR VIR-**
20 **GINIA CLASS SUBMARINE PROGRAM.**

21 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
22 The Secretary of the Navy may, in accordance with section
23 2306b of title 10, United States Code, enter into multiyear
24 contracts, beginning with the fiscal year 2014 program
25 year, for procurement of Virginia class submarines and

1 Government-furnished equipment associated with the Vir-
 2 ginia class submarine program.

3 (b) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
 4 Secretary of the Navy may enter into one or more con-
 5 tracts, beginning in fiscal year 2013, for advance procure-
 6 ment associated with the vessels and equipment for which
 7 authorization to enter into a multiyear procurement con-
 8 tract is provided under subsection (a).

9 (c) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
 10 **MENTS.**—A contract entered into under subsection (a)
 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 2014 is subject to the availability of appropria-
 14 tions or funds for that purpose for such later fiscal year.

15 **SEC. 116. EXTENSION OF MULTIYEAR PROCUREMENT AU-**
 16 **THORITY FOR F/A-18E, F/A-18F, AND EA-18G**
 17 **AIRCRAFT.**

18 Section 128 of the National Defense Authorization
 19 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
 20 2217), as amended by Public Law 111–238 (124 Stat.
 21 2500), is further amended by adding at the end the fol-
 22 lowing new subsection:

23 “(f) **EXTENSION OF MULTIYEAR AUTHORITY.**—With
 24 respect to a multiyear contract entered into under sub-
 25 section (a), the Secretary of the Navy may, notwith-

1 standing any provision of section 2306b of title 10, United
2 States Code, to the contrary, modify such contract to add
3 a fifth production year to the contract.”.

4 **SEC. 117. AUTHORITY FOR REALLOCATION OF CERTAIN**
5 **AEGIS WEAPON SYSTEM ASSETS BETWEEN**
6 **AND WITHIN THE DDG-51 DESTROYER AND**
7 **AEGIS ASHORE PROGRAMS IN ORDER TO**
8 **MEET MISSION REQUIREMENTS.**

9 (a) **AUTHORITY.**—Notwithstanding any other provi-
10 sion of law, the Secretary of the Navy is authorized to
11 provide Aegis Weapon System (AWS) equipment with Bal-
12 listic Missile Defense (BMD) capability to the Missile De-
13 fense Agency (MDA) for use in its Aegis Ashore System
14 for installation in the country designated as Host Nation
15 #1 (HN-1) by transferring to MDA such equipment pro-
16 cured with prior-year Shipbuilding and Conversion, Navy
17 (SCN) appropriations for the DDG-51 Destroyer Pro-
18 gram. The Secretary of the Navy is further authorized to
19 make adjustments in equipment deliveries in accordance
20 with subparagraph (a)(2) of this section as needed to sup-
21 port shipbuilding schedules for affected ships. The Sec-
22 retary of the Navy is further authorized to install on an
23 SCN-funded DDG-51 Class Destroyer, AWS equipment
24 with BMD capability procured using appropriations for
25 Research, Development, Test and Evaluation, Defense-

1 Wide (RDT&E,DW). The authority of the Secretary of the
2 Navy under this section shall consist of the following spe-
3 cific authorizations:

4 (1) The Secretary of the Navy may transfer
5 AWS equipment with BMD capability procured for
6 the DDG-51 Destroyer Program in FY 2010 and
7 FY 2011 to MDA for installation in a shore-based
8 AWS in the country designated as HN-1.

9 (2) The Secretary of the Navy may obligate
10 funds appropriated under the subdivision of appro-
11 priations “DDG-51 Destroyer” under the heading
12 “SHIPBUILDING AND CONVERSION, NAVY” for FY
13 2012, or may use any AWS assets acquired with
14 such funds, to deliver complete, mission-ready AWS
15 with BMD capability to any DDG-51 Class De-
16 stroyer for which SCN funds were appropriated in
17 FY 2011.

18 (3) The Director, MDA shall transfer AWS
19 equipment with BMD capability procured for instal-
20 lation in a shore-based AWS to the Department of
21 the Navy for the DDG-51 Destroyer Program to re-
22 place equipment transferred to MDA under the au-
23 thority of subparagraph (a)(1). Notwithstanding the
24 appropriation that funded the acquisition of such re-
25 placement equipment, the Secretary of the Navy

1 shall fund all work necessary to complete construc-
 2 tion and outfitting of any recipient DDG-51 Class
 3 Destroyer in the same manner as if the replacement
 4 equipment had been acquired using SCN appropria-
 5 tions.

6 (b) RELATIONSHIP TO OTHER LAW.—Nothing in this
 7 section shall be construed to repeal or otherwise modify
 8 in any way the limitation on obligation or expenditure of
 9 funds for missile defense interceptors in Europe as speci-
 10 fied in section 223 of the Ike Skelton National Defense
 11 Authorization Act for Fiscal Year 2011 (Public Law 111-
 12 383).

13 **SEC. 118. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED**

14 **TO BE MAINTAINED IN STRATEGIC AIRLIFT**

15 **AIRCRAFT INVENTORY.**

16 (a) REDUCTION IN INVENTORY REQUIREMENT.—
 17 Section 8062(g)(1) of title 10, United States Code, is
 18 amended—

19 (1) by striking “Effective October 1, 2011, the”
 20 and inserting “The”; and

21 (2) by striking “301 aircraft” and inserting
 22 “275 aircraft”.

23 (b) MODIFICATION OF CERTIFICATION REQUIRE-
 24 MENT.—Subsection (d)(3)(B) of section 137 of the Na-
 25 tional Defense Authorization Act for Fiscal Year 2010

1 (Public Law 111–84; 123 Stat. 2221) is amended by strik-
2 ing “316 strategic airlift aircraft” and inserting “275
3 strategic airlift aircraft”.

4 **SEC. 119. QUADRENNIAL LONG-TERM PLAN FOR THE PRO-**
5 **CUREMENT OF AIRCRAFT FOR THE NAVY**
6 **AND THE AIR FORCE.**

7 (a) IN GENERAL.—Section 231a of title 10, United
8 States Code, is amended to read as follows:

9 **“§ 231a. Long-range plan for procurement of aircraft**
10 **for the Navy and Air Force**

11 “(a) QUADRENNIAL AIRCRAFT PROCUREMENT
12 PLAN.—At the same time that the budget of the President
13 is submitted under section 1105(a) of title 31 during each
14 year in which the Secretary of Defense submits a quadren-
15 nial defense review, the Secretary of Defense shall submit
16 to the congressional defense committees a long-range plan
17 for the procurement of covered aircraft for the Depart-
18 ment of the Navy and the Department of the Air Force
19 that supports the aviation force structure recommenda-
20 tions of the quadrennial defense review.

21 “(b) MATTERS INCLUDED.—Each aircraft procure-
22 ment plan under subsection (a) shall include the following:

23 “(1) A detailed schedule for procurement of
24 covered aircraft for the Department of the Navy and
25 the Department of the Air Force for the 10-year pe-

1 riod beginning on the date on which the plan is sub-
2 mitted.

3 “(2) A notional procurement schedule for the
4 20-year period beginning on the date that is 10
5 years after the date on which the plan is submitted.

6 “(3) For the procurement schedules under
7 paragraph (1)—

8 “(A) the estimated levels of annual funding
9 necessary to carry out such schedule;

10 “(B) a determination by the Director of
11 Cost Assessment and Program Evaluation of
12 the level of funding necessary to carry out such
13 schedules; and

14 “(C) an evaluation by the Director of the
15 potential risk associated with such schedules,
16 including detailed effects on operational plans,
17 missions, deployment schedules, and fulfillment
18 of the requirements of the commanders of the
19 combatant commands.

20 “(c) ASSESSMENT WHEN AIRCRAFT PROCUREMENT
21 BUDGET IS INSUFFICIENT.—If the budget for a fiscal
22 year provides for funding of the procurement of covered
23 aircraft for either the Department of the Navy or the De-
24 partment of the Air Force at a level that is less than the
25 level determined necessary by the Director of Cost Assess-

1 ment and Program Evaluation under subsection
2 (b)(3)(B), the Secretary of Defense shall include with the
3 defense budget materials for that fiscal year an assess-
4 ment that describes and discusses the risks associated
5 with the budget, including the risk associated with a re-
6 duced force structure of aircraft that may result from
7 funding covered aircraft procurement at such level.

8 “(d) CBO EVALUATION.—Not later than 60 days
9 after the date on which the congressional defense commit-
10 tees receive the plan under subsection (a), the Director
11 of the Congressional Budget Office shall submit to such
12 committees a report assessing the sufficiency of the esti-
13 mated levels of annual funding included in such plan with
14 respect to the budget submitted during the year in which
15 the plan is submitted and the future-years defense pro-
16 gram submitted under section 221 of this title.

17 “(e) DEFINITIONS.—In this section:

18 “(1) The term ‘covered aircraft’ means the fol-
19 lowing:

20 “(A) Fighter aircraft.

21 “(B) Attack aircraft.

22 “(C) Bomber aircraft.

23 “(D) Strategic lift aircraft.

24 “(E) Intratheater lift aircraft.

1 **SEC. 120. FORD CLASS AIRCRAFT CARRIER PROCUREMENT.**

2 (a) CONTRACT AUTHORITY FOR CONSTRUCTION OF
3 AIRCRAFT CARRIERS DESIGNATED AS CVN-78, CVN-79,
4 AND CVN-80.—In the fiscal year immediately following
5 the last fiscal year of the contract for advance procure-
6 ment for a CVN-21 class aircraft carrier designated
7 CVN-78, CVN-79 or CVN-80, the Secretary of the Navy
8 may enter into a contract for the construction of such air-
9 craft carrier to be funded in the fiscal year of such con-
10 tract for construction and the succeeding four fiscal years,
11 in the case of the vessel designated CVN-78, and the suc-
12 ceeding five fiscal years, in the case of the vessels des-
13 ignated CVN-79 and CVN-80.

14 (b) CONDITION FOR OUT-YEAR CONTRACT PAY-
15 MENTS.—A contract entered into under subsection (a)
16 shall provide that any obligation of the United States to
17 make a payment under the contract for any subsequent
18 fiscal year is subject to the availability of appropriations
19 for that purpose for such subsequent fiscal year.

20 (c) REPEAL OF SUPERSEDED PROVISION.—Section
21 121 of the John Warner National Defense Authorization
22 Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat.
23 2104) is repealed.

1 **TITLE II—RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUA-**
3 **TION**

4 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2013 for the use of the Department of Defense
7 for research, development, test, and evaluation as follows:

8 (1) For the Army, \$8,929,415,000.

9 (2) For the Navy, \$16,882,877,000.

10 (3) For the Air Force, \$25,428,046,000.

11 (4) For Defense-wide activities,
12 \$17,982,161,000.

13 (5) For the Director of Operational Test and
14 Evaluation, \$185,268,000.

15 **SEC. 202. ELIGIBILITY FOR DEPARTMENT OF DEFENSE**
16 **LABORATORIES TO ENTER INTO EDU-**
17 **CATIONAL PARTNERSHIPS WITH EDU-**
18 **CATIONAL INSTITUTIONS IN UNITED STATES**
19 **TERRITORIES AND POSSESSIONS.**

20 (a) **ELIGIBILITY.**—Section 2194(a) of title 10,
21 United States Code, is amended by inserting “, the Com-
22 monwealth of Puerto Rico, the Commonwealth of the
23 Northern Mariana Islands, and any possession of the
24 United States” after “institutions 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. 203. TRANSFER OF ADMINISTRATION OF OCEAN RE-**
5 **SEARCH ADVISORY PANEL FROM DEPART-**
6 **MENT OF THE NAVY TO NATIONAL OCEANIC**
7 **AND ATMOSPHERIC ADMINISTRATION.**

8 (a) AUTHORITY FOR OCEAN RESEARCH AND RE-
9 SOURCES ADVISORY PANEL.—Subsection (a) of section
10 7903 of title 10, United States Code, is amended—

11 (1) in the matter preceding paragraph (1)—

12 (A) by inserting “, through the Adminis-
13 trator of the National Oceanic and Atmospheric
14 Administration,” after “The Council”;

15 (B) by inserting “and Resources” after
16 “Ocean Research”;

17 (C) by striking “Panel consisting” and in-
18 serting “Panel. The Panel shall consist”; and

19 (D) by striking “chairman” and inserting
20 “Administrator of the National Oceanic and At-
21 mospheric Administration, on behalf of the
22 Council”;

23 (2) in paragraph (1), by striking “National
24 Academy of Science” and inserting “National Acad-
25 emies”; and

1 (3) by striking paragraphs (2) and (3) and re-
2 designating paragraphs (4) and (5) as paragraphs
3 (2) and (3), respectively.

4 (b) RESPONSIBILITIES OF PANEL.—Subsection (b) of
5 such section is amended—

6 (1) by inserting “, through the Administrator of
7 the National Oceanic and Atmospheric Administra-
8 tion,” after “The Council”;

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

11 (3) by striking paragraph (2) and inserting the
12 following new paragraphs (2) and (3):

13 “(2) To advise the Council on the determination
14 of scientific priorities and needs.

15 “(3) To provide the Council strategic advice re-
16 garding national ocean program execution and col-
17 laboration.”.

18 (c) FUNDING TO SUPPORT ACTIVITIES OF PANEL.—
19 Subsection (c) of such section is amended by striking
20 “Secretary of the Navy” and inserting “Secretary of Com-
21 merce”.

22 (d) CONFORMING AMENDMENT.—Section 7902(e)(1)
23 of such title is amended by striking “Ocean Research Ad-
24 visory Panel” and inserting “Ocean Research and Re-
25 sources Advisory Panel”.

1 (e) CLERICAL AMENDMENTS.—

2 (1) SECTION HEADING.—The heading of section
3 7903 of such title is amended to read as follows:

4 “§ 7903. **Ocean Research and Resources Advisory**
5 **Panel**”.

6 (2) TABLE OF SECTIONS.—The item relating to
7 such section in the table of sections at the beginning
8 of chapter 665 of such title is amended to read as
9 follows:

“7903. Ocean Research and Resources Advisory Panel.”.

10 (f) REFERENCES.—Any reference to the Ocean Re-
11 search Advisory Panel in any law, regulation, map, docu-
12 ment, record, or other paper of the United States shall
13 be deemed to be a reference to the Ocean Research and
14 Resources Advisory Panel.

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

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

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2013 for the use of the Armed Forces and other
20 activities and agencies of the Department of Defense for
21 expenses, not otherwise provided for, for operation and
22 maintenance, in amounts as follows:

23 (1) For the Army, \$36,608,592,000.

24 (2) For the Navy, \$41,606,943,000.

25 (3) For the Marine Corps, \$5,983,163,000.

1 (4) For the Air Force, \$35,435,360,000.

2 (5) For Defense-wide activities,
3 \$31,993,013,000.

4 (6) For the Army Reserve, \$3,162,008,000.

5 (7) For the Navy Reserve, \$1,246,982,000.

6 (8) For the Marine Corps Reserve,
7 \$272,285,000.

8 (9) For the Air Force Reserve, \$3,166,482,000.

9 (10) For the Army National Guard,
10 \$7,108,612,000.

11 (11) For the Air National Guard,
12 \$6,015,455,000.

13 (12) For the United States Court of Appeals
14 for the Armed Forces, \$13,516,000.

15 (13) For the Department of Defense Acquisi-
16 tion Workforce Development Fund, \$274,198,000.

17 (14) For Environmental Restoration, Army,
18 \$335,921,000.

19 (15) For Environmental Restoration, Navy,
20 \$310,594,000.

21 (16) For Environmental Restoration, Air Force,
22 \$529,263,000.

23 (17) For Environmental Restoration, Defense-
24 wide, \$11,133,000.

1 (18) For Environmental Restoration, Formerly
2 Used Defense Sites, \$237,543,000.

3 (19) For Overseas Humanitarian, Disaster, and
4 Civic Aid programs, \$108,759,000.

5 (20) For Cooperative Threat Reduction pro-
6 grams, \$519,111,000.

7 **SEC. 302. REPEAL OF REDUNDANT AUTHORITY TO ENSURE**
8 **INTEROPERABILITY OF LAW ENFORCEMENT**
9 **AND EMERGENCY RESPONDER TRAINING.**

10 Section 372 of title 10, United States Code, is
11 amended—

12 (1) by striking “(a) IN GENERAL.—” before
13 “‘The Secretary of Defense’”; and

14 (2) by striking subsection (b).

15 **SEC. 303. REPEAL OF CERTAIN RECORD KEEPING AND RE-**
16 **PORTING REQUIREMENTS APPLICABLE TO**
17 **COMMISSARY AND EXCHANGE STORES OVER-**
18 **SEAS.**

19 (a) REPEAL.—Section 2489 of title 10, United States
20 Code, is amended by striking subsections (b) and (c).

21 (b) TECHNICAL AMENDMENTS.—Such section is fur-
22 ther amended—

23 (1) by striking “(1)” after “(a) GENERAL AU-
24 THORITY.—”;

1 (2) by redesignating paragraph (2) as sub-
2 section (b) and inserting “LIMITATIONS.—” before
3 “In establishing”; and

4 (3) by redesignating subparagraphs (A) and
5 (B) as paragraphs (1) and (2), respectively.

6 **SEC. 304. AUTHORITY TO PAY FOR CONTRACT FEES AND**
7 **PROGRAM COSTS OF THE DEPARTMENT OF**
8 **DEFENSE OVERSEAS MILITARY BANKING**
9 **PROGRAM FROM OPERATING AND RETAINED**
10 **REVENUE OF THE PROGRAM.**

11 (a) USE OF GENERATED REVENUE.—The Secretary
12 of Defense, in carrying out the Overseas Military Banking
13 Program of the Department of Defense (in this section
14 referred to as the “Program”), may use the operating and
15 retained revenue generated by the Program to pay for the
16 following:

17 (1) Contract fees related to any contract en-
18 tered into for the purpose of carrying out the Pro-
19 gram.

20 (2) Costs incurred under the Program for pro-
21 viding (A) contract formation and administration
22 services relating to the Program contract, and (B)
23 financial services to the military services and mili-
24 tary personnel.

25 (b) COLLECTION OF AMOUNTS OWED.—

1 (1) AUTHORITY TO COLLECT AMOUNTS OWED
2 BY DEDUCTIONS FROM PAY.—Under regulations pre-
3 scribed by the Secretary of Defense, at the request
4 of the head of the Program, a disbursing official of
5 the United States may, on behalf of the Program,
6 collect by deduction from the amount of pay owed to
7 a member or an employee any amount of funds the
8 member or employee owes to the Program as a re-
9 sult of delinquencies or a default on loans or fees
10 not disputed by the member or employee. The
11 amount deducted from the pay owed to a member or
12 an employee with respect to a pay period may not
13 exceed 15 percent of the disposable pay of the mem-
14 ber or employee for that pay period, except that a
15 greater percentage may be deducted with the written
16 consent of the member or employee.

17 (2) DUE PROCESS PROTECTIONS.—Collections
18 under this subsection shall be carried out in accord-
19 ance with procedures substantially equivalent to the
20 procedures required under section 3716(a) of title
21 31, United States Code.

1 **SEC. 305. EXPANSION OF USE OF UNIFORM FUNDING AU-**
2 **THORITY TO PERMANENT CHANGE OF STA-**
3 **TION AND TEMPORARY DUTY LODGING PRO-**
4 **GRAMS OPERATED THROUGH NON-**
5 **APPROPRIATED FUND INSTRUMENTALITIES.**

6 (a) INCLUSION OF ADDITIONAL PROGRAMS.—Sub-
7 section (a) of section 2491 of title 10, United States Code,
8 is amended—

9 (1) by striking “Under regulations” and insert-
10 ing “(1) Under regulations”;

11 (2) by striking “morale, welfare, and recreation
12 programs” the first place it appears and inserting
13 “a program specified in paragraph (2)”;

14 (3) by striking “morale, welfare, and recreation
15 programs” the second place it appears and inserting
16 “such programs”; and

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

19 “(2) This section applies with respect to the fol-
20 lowing:

21 “(A) Morale, welfare, and recreation programs
22 of the Department of Defense.

23 “(B) Permanent change of station and tem-
24 porary duty lodging programs conducted as supple-
25 mental mission programs of the Department of De-
26 fense.”.

1 (b) CONFORMING AMENDMENTS.—Such section is
2 further amended—

3 (1) in subsection (b), by striking “morale, wel-
4 fare, and recreation program” and inserting “pro-
5 gram specified in subsection (a)(2)”; and

6 (2) in subsection (c)(1), by striking “morale,
7 welfare, and recreation programs within the Depart-
8 ment of Defense” and inserting “a program speci-
9 fied in subsection (a)(2)”.

10 (c) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of such
12 section is amended to read as follows:

13 **“§ 2491. Uniform funding and management of morale,
14 welfare, and recreation programs and
15 certain supplemental mission programs”.**

16 (2) TABLE OF SECTIONS.—The table of sections
17 at the beginning of subchapter III of chapter 147 of
18 such title is amended by striking the item relating
19 to section 2491 and inserting the following new
20 item:

“2491. Uniform funding and management of morale, welfare, and recreation
programs and certain supplemental mission programs.”.

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

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

5 The Armed Forces are authorized strengths for active
6 duty personnel as of September 30, 2013, as follows:

- 7 (1) The Army, 552,100.
8 (2) The Navy, 322,700.
9 (3) The Marine Corps, 197,300.
10 (4) The Air Force, 328,900.

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, 101,600.
23 (6) The Air Force Reserve, 70,500.
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 for 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, 14,305.

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 Reserve, 8,445.

1 (2) For the Army National Guard of the United
2 States, 28,380.

3 (3) For the Air Force Reserve, 10,283.

4 (4) For the Air National Guard of the United
5 States, 21,101.

6 **SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF**
7 **NON-DUAL STATUS TECHNICIANS.**

8 (a) LIMITATIONS.—

9 (1) NATIONAL GUARD.—Within the limitation
10 provided in section 10217(c)(2) of title 10, United
11 States Code, the number of non-dual status techni-
12 cians employed by the National Guard as of Sep-
13 tember 30, 2013, may not exceed the following:

14 (A) For the Army National Guard of the
15 United States, 1,600.

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

18 (2) ARMY RESERVE.—The number of non-dual
19 status technicians employed by the Army Reserve as
20 of September 30, 2013, may not exceed 595.

21 (3) AIR FORCE RESERVE.—The number of non-
22 dual status technicians employed by the Air Force
23 Reserve as of September 30, 2013, may not exceed
24 90.

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

5 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
6 **THORIZED TO BE ON ACTIVE DUTY FOR**
7 **OPERATIONAL SUPPORT.**

8 During fiscal year 2013, the maximum number of
9 members of the reserve components of the Armed Forces
10 who may be serving at any time on full-time operational
11 support duty under section 115(b) of title 10, United
12 States Code, is the following:

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

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

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

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

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

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

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

3 **SEC. 421. MILITARY PERSONNEL.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 hereby authorized to be appropriated for military per-
 6 sonnel for fiscal year 2013 a total of \$128,430,025,000.

7 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
 8 thorization of appropriations in subsection (a) supersedes
 9 any other authorization of appropriations (definite or in-
 10 definite) for such purpose for fiscal year 2013.

11 **TITLE V—MILITARY PERSONNEL**
 12 **AUTHORIZATIONS**

13 **Subtitle A—Officer Personnel**
 14 **Policy**

15 **SEC. 501. EXCEPTION TO 30-YEAR RETIREMENT FOR REG-**
 16 **ULAR NAVY WARRANT OFFICERS IN THE**
 17 **GRADE OF CHIEF WARRANT OFFICER, W-5.**

18 (a) EXCEPTION TO 30-YEAR STATUTORY RETIRE-
 19 MENT.—Paragraph (1) of section 1305(a) of title 10,
 20 United States Code, is amended—

21 (1) by inserting “or a regular Navy warrant of-
 22 ficer in the grade of chief warrant officer, W-5, ex-
 23 empted under paragraph (3)” after “Army warrant
 24 officer”; and

25 (2) by striking “he” and inserting “the officer”.

1 (b) MODIFICATION OF STATUTORY RETIREMENT
 2 FROM 30 TO 33 YEARS FOR NAVY CHIEF WARRANT OF-
 3 FICER, W-5.—Such section is further amended by adding
 4 at the end the following new 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. 502. STANDARDIZATION OF GRADE FOR CERTAIN**
 10 **MEDICAL AND DENTAL BRANCH CHIEF POSI-**
 11 **TIONS.**

12 (a) ARMY.—

13 (1) CHIEF OF NURSE CORPS.—Section 3069(b)
 14 of title 10, United States Code, is amended by strik-
 15 ing “major general” in the second sentence and in-
 16 serting “brigadier general”.

17 (2) DEPUTY AND ASSISTANT CHIEFS OF
 18 BRANCHES.—Section 3039(b) of such title is amend-
 19 ed by striking “major general” in the last sentence
 20 and inserting “brigadier general”.

21 (b) NAVY.—

22 (1) CHIEF OF DENTAL CORPS.—Section
 23 5138(a) of such title is amended by striking “not
 24 below” and inserting “in”.

1 follows through “Phase II” and inserting “student assign-
2 ments for joint training and education”.

3 **SEC. 504. EXTENSION OF TEMPORARY AUTHORITY TO RE-**
4 **DUCE MINIMUM LENGTH OF ACTIVE SERVICE**
5 **AS A COMMISSIONED OFFICER REQUIRED**
6 **FOR VOLUNTARY RETIREMENT AS AN OFFI-**
7 **CER.**

8 (a) ARMY.—Section 3911(b)(2) of title 10, United
9 States Code, is amended by striking “September 30,
10 2013” and inserting “September 30, 2018”.

11 (b) NAVY AND MARINE CORPS.—Section
12 6323(a)(2)(B) of such title is amended by striking “Sep-
13 tember 30, 2013” and inserting “September 30, 2018”.

14 (c) AIR FORCE.—Section 8911(b)(2) of such title is
15 amended by striking “September 30, 2013” and inserting
16 “September 30, 2018”.

17 (d) TECHNICAL AMENDMENTS.—Each of the sections
18 specified in subsections (a), (b), and (c) is further amend-
19 ed by striking “the date of the enactment of the Ike Skel-
20 ton National Defense Authorization Act for Fiscal Year
21 2011” and inserting “January 7, 2011,”.

1 **SEC. 505. 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 “December 31, 2007” and in-
9 serting “September 30, 2018”; and

10 (2) by striking “Air Force” and inserting
11 “Army, Air Force, and Marine Corps”.

12 **SEC. 506. MODIFICATION TO LIMITATIONS ON NUMBER OF**
13 **OFFICERS FOR WHOM SERVICE-IN-GRADE RE-**
14 **QUIREMENTS MAY BE REDUCED FOR RETIRE-**
15 **MENT IN GRADE UPON VOLUNTARY RETIRE-**
16 **MENT.**

17 Section 1370(a)(2) of title 10, United States Code,
18 is amended—

19 (1) in subparagraph (E), by inserting “, or two,
20 whichever is greater” before the period at the end;
21 and

22 (2) by adding at the end the following new sub-
23 paragraph:

24 “(G) Notwithstanding subparagraph (E), during the
25 period ending on September 30, 2017, the total number
26 of brigadier generals and major generals of the Army, Air

1 Force, and Marine Corps, and the total number of rear
2 admirals (lower half) and rear admirals of the Navy, for
3 whom a reduction is made under this section during any
4 fiscal year in the period of service-in-grade otherwise re-
5 quired under this paragraph—

6 “(i) for officers of the Army, Navy, and Air
7 Force, may not exceed five percent of the authorized
8 active-duty strength for that fiscal year for officers
9 of that armed force in those grades; and

10 “(ii) for officers of the Marine Corps, may not
11 exceed ten percent of the authorized active-duty
12 strength for that fiscal year for officers in those
13 grades.”.

14 **SEC. 507. FORCE MANAGEMENT ENHANCEMENTS.**

15 (a) REINSTATEMENT OF AUTHORITY FOR EN-
16 HANCED SELECTIVE EARLY RETIREMENT BOARDS AND
17 EARLY DISCHARGES.—Section 638a of title 10, United
18 States Code, is amended—

19 (1) in subsection (a)—

20 (A) by striking “, during the period begin-
21 ning on October 1, 1990,” and all that follows
22 through “December 31, 2012,”; and

23 (B) by inserting at the end the following
24 new sentence: “Any such authority provided the
25 Secretary of a military department under the

1 preceding sentence shall expire as specified by
2 the Secretary of Defense, but not later than
3 December 31, 2018.”;

4 (2) in subsection (b), by striking paragraph (3);
5 (3) by adding at the end of subsection (c) the
6 following new paragraph:

7 “(4) In the case of an action authorized under sub-
8 section (b)(2), the Secretary of Defense may also author-
9 ize the Secretary of the military department concerned to
10 waive the five-year period specified in section 638(c) of
11 this title if the Secretary of Defense determines that it
12 is necessary for the Secretary of that military department
13 to have such authority in order to meet mission needs.”;
14 and

15 (4) in subsection (d)(2), by striking “except
16 that during the period beginning on October 1,
17 2006, and ending on December 31, 2012,” in sub-
18 paragraphs (A) and (B) and inserting “except that
19 through December 31, 2018,”.

20 (b) AUTHORITY TO REDUCE YEARS OF SERVICE FOR
21 MANDATORY RETIREMENT FOR CERTAIN OFFICERS IN
22 PAY GRADES O-5 AND O-6.—

23 (1) LIEUTENANT COLONELS AND NAVY COM-
24 MANDERS.—Section 633 of such title is amended by
25 adding at the end the following new subsection:

1 “(c) AUTHORITY FOR EARLIER MANDATORY RETIRE-
2 MENT.—Under regulations prescribed by the Secretary of
3 Defense, during the period beginning on January 1, 2013,
4 and ending on December 31, 2018, the Secretary con-
5 cerned may reduce the amount of service specified in sub-
6 section (a) from 28 years to a period (determined by the
7 Secretary concerned) of not less than 25 years of active
8 commissioned service. Any such reduction under this sub-
9 section may not become effective before the first day of
10 the twelfth calendar month beginning after the month in
11 which the Secretary concerned approves and announces
12 the reduction.”.

13 (2) COLONELS AND NAVY CAPTAINS.—Section
14 634 of such title is amended by adding at the end
15 the following new subsection:

16 “(c) AUTHORITY FOR EARLIER MANDATORY RETIRE-
17 MENT.—Under regulations prescribed by the Secretary of
18 Defense, during the period beginning on January 1, 2013,
19 and ending on December 31, 2018, the Secretary con-
20 cerned may reduce the amount of service specified in sub-
21 section (a) from 30 years to a period (determined by the
22 Secretary concerned) of not less than 27 years of active
23 commissioned service. Any such reduction under this sub-
24 section may not become effective before the first day of
25 the twelfth calendar month beginning after the month in

1 which the Secretary concerned approves and announces
 2 the reduction.”.

3 **Subtitle B—Reserve Component** 4 **Management**

5 **SEC. 511. AUTHORITY FOR PERSONS WHO ARE LAWFUL**

6 **PERMANENT RESIDENTS TO BE APPOINTED**

7 **AS OFFICERS OF THE NATIONAL GUARD.**

8 Section 313(b)(1) of title 32, United States Code, is
 9 amended by inserting “or have been lawfully admitted to
 10 the United States for permanent residence under the Im-
 11 migration and Nationality Act (8 U.S.C. 1101 et seq.)”
 12 before the semicolon.

13 **SEC. 512. PLACEMENT OF NATIONAL GUARD NON-DUAL**

14 **STATUS TECHNICIANS IN THE EXCEPTED**

15 **SERVICE WITH ALL DUAL STATUS NATIONAL**

16 **GUARD TECHNICIANS.**

17 Section 709(e) of title 32, United States Code, is
 18 amended in the second sentence—

19 (1) by striking “However, a position” and in-
 20 serting “A position”; and

21 (2) by striking “if the” and all that follows and
 22 inserting a period.

1 **SEC. 513. TRANSFER OF RESPONSIBILITY FOR RESERVE**

2 **COMPONENT SUICIDE PREVENTION AND RE-**

3 **SILIENCE PROGRAM.**

4 (a) CODIFICATION AND EXTENSION.—

5 (1) IN GENERAL.—Chapter 1007 of title 10,
6 United States Code, is amended by adding at the
7 end the following new section:

8 **“§ 10219. Suicide prevention and community healing**
9 **and response program**

10 “(a) PROGRAM REQUIREMENT.—The Secretary of
11 Defense shall carry out a program to provide National
12 Guard and Reserve members and their families with train-
13 ing in suicide prevention and community healing and re-
14 sponse to suicide.

15 “(b) SUICIDE PREVENTION TRAINING.—Under the
16 program, the Secretary shall provide National Guard and
17 Reserve members with training in suicide prevention. Such
18 training may include—

19 “(1) describing the warning signs for suicide
20 and teaching effective strategies for prevention,
21 intervention, and postvention;

22 “(2) examining the influence of military culture
23 on risk and protective factors for suicide; and

24 “(3) engaging in interactive case scenarios and
25 role plays to practice effective intervention strate-
26 gies.

1 “(c) COMMUNITY HEALING AND RESPONSE TRAIN-
2 ING (POSTVENTION).—Under the program, the Secretary
3 shall provide the families and communities of National
4 Guard and Reserve members with training in responses
5 to suicide that promote individual and community healing.
6 Such training may include—

7 “(1) enhancing collaboration among community
8 members and local service providers to create an in-
9 tegrated, coordinated community response to suicide;

10 “(2) communicating best practices for pre-
11 venting suicide, including safe messaging, appro-
12 priate memorial services, and media guidelines;

13 “(3) addressing the impact of suicide on the
14 military and the larger community, and the in-
15 creased risk that can result; and

16 “(4) managing resources to assist key commu-
17 nity and military service providers in helping the
18 families, friends, and fellow servicemembers of a sui-
19 cide victim through the processes of grieving and
20 healing.

21 “(d) COMMUNITY TRAINING ASSISTANCE.—The pro-
22 gram shall include the provision of assistance with such
23 training to the local communities of those members and
24 families, to be provided in coordination with local commu-
25 nity programs.

1 “(e) COLLABORATION.—The Secretary shall collect
2 and analyze ‘lessons learned’ and suggestions from State
3 National Guard and Reserve organizations with existing
4 or developing suicide prevention and community response
5 programs.

6 “(f) TERMINATION.—The program under this section
7 shall terminate on October 1, 2015.”.

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

“10219. Suicide prevention and community healing and response program.”.

11 (b) REPEAL OF SUPERSEDED PROVISION.—Sub-
12 section (i) of section 582 of the National Defense Author-
13 ization Act for Fiscal Year 2008 (10 U.S.C. 10101 note)
14 is repealed.

15 **SEC. 514. AUTHORITY FOR SERVICE COMMITMENT FOR RE-**
16 **SERVISTS WHO ACCEPT FELLOWSHIPS,**
17 **SCHOLARSHIPS, OR GRANTS TO BE PER-**
18 **FORMED IN THE SELECTED RESERVE.**

19 (a) IN GENERAL.—Section 2603(b) of title 10,
20 United States Code, is amended by inserting “(or in the
21 case of a member of the Selected Reserve, on active duty
22 or in the Selected Reserve as specified in the agreement)”
23 after “active duty”.

24 (b) EFFECTIVE DATE.—The amendment made by
25 subsection (a) shall apply to agreements entered into

1 under section 2603(b) of title 10, United States Code,
2 after the date of the enactment of this Act.

3 **SEC. 515. PILOT PROGRAM TO ALLOW ESTABLISHMENT OF**
4 **ACTIVE STATUS AND INACTIVE STATUS LISTS**
5 **OF MEMBERS IN THE INACTIVE NATIONAL**
6 **GUARD.**

7 (a) AUTHORITY TO MAINTAIN ACTIVE AND INACTIVE
8 STATUS LISTS IN THE INACTIVE NATIONAL GUARD.—
9 Section 303 of title 32, United States Code, is amended
10 by adding at the end the following new subsection:

11 “(d)(1) The Secretary of the Army and the Secretary
12 of the Air Force may maintain an active status list and
13 an inactive status list of members in the inactive Army
14 National Guard and the inactive Air National Guard, re-
15 spectively.

16 “(2) The total number of Army National Guard and
17 Air National Guard members, combined, on the active sta-
18 tus lists and the inactive status lists assigned to the inac-
19 tive National Guard may not exceed 10,000 during any
20 period.

21 “(3) The total number of Army National Guard and
22 Air National Guard members, combined, on the active sta-
23 tus lists of the inactive National Guard may not exceed
24 4,000 during any period.

1 “(4) The authority under this subsection expires at
2 the close of December 31, 2015.”.

3 (b) TWO-WAY TRANSFERS OF MEMBERS FORMERLY
4 ENLISTED IN INACTIVE NATIONAL GUARD.—Subsection
5 (b) of such section is amended—

6 (1) by striking “Under such” at the beginning
7 of the first sentence and inserting “(1) Except as
8 provided in paragraph (2) and under such”;

9 (2) by striking “Under such” at the beginning
10 of the second sentence and inserting “Except as pro-
11 vided in paragraph (2) and under such”; and

12 (3) 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 on December 31,
16 2015, an enlisted member of the active Army National
17 Guard may be transferred to the inactive Army National
18 Guard without regard to whether the member was for-
19 merly enlisted in the inactive Army National Guard and
20 an enlisted member of the active Air National Guard may
21 be transferred to the inactive Air National Guard without
22 regard to whether the member was formerly enlisted in
23 the inactive Air National Guard.”.

24 (c) DEFINITION OF “ACTIVE STATUS”.—Section
25 101(d)(4) of title 10, United States Code, is amended by

1 adding at the end the following new sentence: “However,
2 in the case of members of the Army National Guard of
3 the United States during any period during which there
4 is an inactive status list for the inactive Army National
5 Guard under section 303(d) of title 32, such term means
6 the status of such a member who is not assigned to the
7 inactive status list of the inactive Army National Guard,
8 on another inactive status list, or in the Retired Reserve,
9 and in the case of members of the Air National Guard
10 of the United States during any period during which there
11 is an inactive status list for the inactive Air National
12 Guard under section 303(d) of title 32, such term means
13 the status of such a member who is not assigned to the
14 inactive status list of the inactive Air National Guard, on
15 another inactive status list, or in the Retired Reserve.”.

16 (d) MEMBERS IN INACTIVE STATUS; TRAINING CAT-
17 EGORIES.—Section 10141 of such title is amended by add-
18 ing at the end the following new subsection:

19 “(d)(1) During any period during which there is an
20 inactive status list for the inactive Army National Guard
21 under section 303(d) of title 32—

22 “(A) the first sentence of subsection (b) shall
23 apply only with respect to Reserves assigned to the
24 inactive Army National Guard who are assigned to
25 the inactive status list; and

1 “(B) the exclusion of the Army National Guard
2 of the United States under the first sentence of sub-
3 section (c) shall be inapplicable.

4 “(2) During any period during which there is an inac-
5 tive status list for the inactive Air National Guard under
6 section 303(d) of title 32—

7 “(A) the first sentence of subsection (b) shall
8 apply only with respect to Reserves assigned to the
9 inactive Air National Guard who are assigned to the
10 inactive status list; and

11 “(B) the exclusion of the Air National Guard of
12 the United States under the first sentence of sub-
13 section (c) shall be inapplicable.”.

14 (e) COMPUTATION OF YEARS OF SERVICE FOR ENTI-
15 TLEMENT TO RETIRED PAY.—Paragraph (3) of section
16 12732(b) of such title is amended to read as follows:

17 “(3) Service in the inactive National Guard (for
18 any period other than a period during which there
19 is an inactive status list for the inactive National
20 Guard under section 303(d) of title 32) and service
21 while assigned to the inactive status list of the inac-
22 tive National Guard (for any period during which
23 there is an inactive status list for the inactive Na-
24 tional Guard under section 303(d) of title 32).”.

1 (f) ELIGIBILITY FOR INACTIVE-DUTY TRAINING
2 PAY.—Section 206(e) of title 37, United States Code, is
3 amended by adding at the end the following new sentence:
4 “However, with respect to any period during which there
5 is an inactive status list for the inactive National Guard
6 under section 303(d) of title 32, the limitation in the pre-
7 ceding sentence shall be applicable to persons assigned to
8 the inactive status list of the inactive National Guard,
9 rather than to persons enlisted in the inactive National
10 Guard.”.

11 (g) REPORTING REQUIRED.—

12 (1) IN GENERAL.—For each fiscal year during
13 which there is an inactive status list for the inactive
14 National Guard under section 303(d) of title 32, the
15 Secretary of the Army and the Secretary of the Air
16 Force, respectively, shall submit to the Committees
17 on Armed Services of the Senate and House of Rep-
18 resentatives a report detailing service in the active
19 status of the inactive National Guard.

20 (2) MATTERS COVERED.—Reports under this
21 subsection shall cover the following:

22 (A) For each member transferred into the
23 active status of the inactive National Guard,
24 the member’s—

25 (i) rank;

- 1 (ii) years of service;
 - 2 (iii) military occupational specialty;
 - 3 (iv) date of transfer to the active sta-
 - 4 tus list of the inactive National Guard;
 - 5 (v) date of entry, if applicable, into
 - 6 the Integrated Disability Evaluation Sys-
 - 7 tem;
 - 8 (vi) date of exit, if applicable, from
 - 9 the Integrated Disability Evaluation Sys-
 - 10 tem;
 - 11 (vii) date of separation from the Na-
 - 12 tional Guard, if applicable; and
 - 13 (viii) number of retirement points
 - 14 earned.
- 15 (B) For each member enlisting in or trans-
- 16 ferring to the Selected Reserve to fill a National
- 17 Guard vacancy created by another person's
- 18 transfer to the active status list of the inactive
- 19 National Guard, the member's—
- 20 (i) date of entry into the National
 - 21 Guard;
 - 22 (ii) rank;
 - 23 (iii) military occupational specialty;
 - 24 (iv) prior service, if any, in the active
 - 25 component or the Selected Reserve;

1 (v) participation in training (as well
 2 as the length of the training), including
 3 any specialized or leadership training, to
 4 facilitate the transfer to the Selected Re-
 5 serve;

6 (vi) monetary incentives, if any, and
 7 the period of any corresponding service ob-
 8 ligation, received for enlisting in or trans-
 9 ferring to the Selected Reserve;

10 (vii) first period of inactive duty train-
 11 ing; and

12 (viii) first period of annual training.

13 **SEC. 516. REINSTATEMENT OF TEMPORARY SPECIAL RE-**
 14 **TIREMENT QUALIFICATION AUTHORITY FOR**
 15 **RESERVE COMPONENT MEMBERS OF THE AIR**
 16 **NATIONAL GUARD OF THE UNITED STATES**
 17 **WITH 15 YEARS OF QUALIFYING SERVICE.**

18 (a) REINSTATEMENT OF AUTHORITY.—Subsection
 19 (a)(1) of section 12731a of title 10, United States Code,
 20 is amended—

21 (1) in subparagraph (A), by striking “October
 22 1, 1991,” and inserting “the first day of a period
 23 described in subsection (b) that is applicable to that
 24 member”; and

1 (2) in subparagraph (B), by striking “after that
2 date and before the end of the period described in
3 subsection (b)” and inserting “during a period de-
4 scribed in subsection (b) that is applicable to that
5 member”.

6 (b) PERIOD OF AUTHORITY.—Subsection (b) of such
7 section is amended to read as follows:

8 “(b) PERIOD OF AUTHORITY.—A period referred to
9 in subsection (a)(1) is any of the following:

10 “(1) With respect to any member of the Se-
11 lected Reserve of a reserve component, the period
12 beginning on October 23, 1992, and ending on De-
13 cember 31, 2001.

14 “(2) With respect to a member of the Selected
15 Reserve of the Air National Guard of the United
16 States, the period beginning on October 1, 2012,
17 and ending on December 31, 2018.”.

18 **Subtitle C—Education and** 19 **Training**

20 **SEC. 521. INCLUSION OF THE SCHOOL OF ADVANCED MILI-**
21 **TARY STUDIES SENIOR LEVEL COURSE AS A**
22 **SENIOR LEVEL SERVICE SCHOOL.**

23 Section 2151(b)(1) of title 10, United States Code,
24 is amended by adding at the end the following new sub-
25 paragraph:

1 “(E) The United States Army Command
2 and General Staff College’s School of Advanced
3 Military Studies Senior Level Course.”.

4 **SEC. 522. SUPPORT OF NAVAL ACADEMY ATHLETIC PRO-**
5 **GRAMS.**

6 (a) IN GENERAL.—Chapter 603 of title 10, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§ 6981. Support of athletic and physical fitness pro-**
10 **grams**

11 “(a) AUTHORITY.—

12 “(1) IN GENERAL.—The Secretary of the Navy
13 may enter into agreements, including cooperative
14 agreements (as described in section 6305 of title
15 31), with the association to manage any aspect of
16 the athletic and physical fitness programs of the
17 Naval Academy.

18 “(2) ASSOCIATION DEFINED.—In this section,
19 the term ‘association’ means the Naval Academy
20 Athletic Association and its successors and assigns.

21 “(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIA-
22 TION.—

23 “(1) AUTHORITY TO TRANSFER FUNDS TO THE
24 ASSOCIATION.—The Secretary may transfer funds to
25 the association to pay expenses incurred by the asso-

1 ciation in managing the athletic and physical fitness
2 programs of the Naval Academy.

3 “(2) AUTHORITY TO PROVIDE OTHER SUP-
4 PORT.—The Secretary may provide personal prop-
5 erty and the services of members of the naval service
6 and civilian personnel of the Department of the
7 Navy to assist the association in managing the ath-
8 letic and physical fitness programs of the Naval
9 Academy.

10 “(c) ACCEPTANCE OF GIFTS FROM THE ASSOCIA-
11 TION.—The Secretary may accept from the association
12 funds, supplies, and services for the support of the athletic
13 and physical fitness programs of the Naval Academy.

14 “(d) RECEIPT AND RETENTION OF FUNDS.—

15 “(1) FUNDS RECEIVED FROM THE ASSOCIA-
16 TION.—The Secretary may receive from the associa-
17 tion funds generated by the athletic and physical fit-
18 ness programs of the Naval Academy and any other
19 activity of the association and to retain and use such
20 funds to further the mission of the Naval Academy.
21 Receipt and retention of such funds shall be subject
22 to oversight by the Secretary of the Navy.

23 “(2) FUNDS RECEIVED FROM NCAA.—The Sec-
24 retary may accept, use, and retain funds from the
25 National Collegiate Athletic Association and to

1 transfer all or part of those funds to the association
2 for the support of the athletic and physical fitness
3 programs of the Naval Academy.

4 “(3) USER FEES.—The Secretary may charge
5 user fees to the association for the association’s use
6 of Naval Academy facilities for the conduct of sum-
7 mer athletic camps. Fees collected under this sub-
8 section may be retained for use in support of the
9 Naval Academy athletic program and shall remain
10 available until expended.

11 “(e) LICENSING, MARKETING, AND SPONSORSHIP
12 AGREEMENTS.—The Secretary may enter into an agree-
13 ment with the association authorizing the association to
14 represent the Department of the Navy in connection with
15 licensing, marketing, and sponsorship agreements relating
16 to trademarks and service marks identifying the Naval
17 Academy, to the extent authorized by the Chief of Naval
18 Research and in accordance with sections 2260 and 5022
19 of this title. Notwithstanding section 2260(d) of this title,
20 any funds generated by the licensing, marketing, and
21 sponsorship under such agreement may be accepted, used,
22 and be retained by the Secretary of the Navy or trans-
23 ferred by the Secretary to the association for the athletic
24 and physical fitness programs of the Naval Academy.

1 “(f) AUTHORIZED SERVICE ON BOARD OF DIREC-
2 TORS.—The Secretary may authorize members of the
3 naval service and civilian personnel of the Department of
4 the Navy to serve in accordance with sections 1033 and
5 1589 of this title as members of the governing board of
6 the association.

7 “(g) CONDITIONS.—The authority provided in this
8 section with respect to the association is available only so
9 long as the association continues to—

10 “(1) qualify as a nonprofit organization under
11 section 501(c)(3) of the Internal Revenue Code of
12 1986 and operates in accordance with this section,
13 the laws of the State of Maryland, and the constitu-
14 tion and bylaws of the association; and

15 “(2) operate exclusively to support the athletic
16 and physical fitness programs of the Naval Acad-
17 emy.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by adding
20 at the end the following new item:

“6981. Support of athletic and physical fitness programs.”.

1 **SEC. 523. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE**
2 **DEGREE PROGRAMS UNDER THE COMMU-**
3 **NITY COLLEGE OF THE AIR FORCE.**

4 Section 9315(b) of title 10, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(3) Enlisted members of the armed forces
8 other than the Air Force participating in joint-serv-
9 ice medical training and education or who are serv-
10 ing as instructors in such joint-service medical train-
11 ing and education.”.

12 **SEC. 524. REPEAL OF REQUIREMENT THAT AT LEAST 50**
13 **PERCENT OF PARTICIPANTS IN SENIOR RE-**
14 **SERVE OFFICERS’ TRAINING CORPS PRO-**
15 **GRAM BE ELIGIBLE FOR IN-STATE TUITION.**

16 Section 2107 of title 10, United States Code, is
17 amended by striking the third sentence of subsection
18 (c)(1).

19 **SEC. 525. CONSOLIDATION OF MILITARY DEPARTMENT AU-**
20 **THORITY TO ISSUE ARMS, TENTAGE, AND**
21 **EQUIPMENT TO EDUCATIONAL INSTITUTIONS**
22 **NOT MAINTAINING UNITS OF JUNIOR ROTC.**

23 (a) CONSOLIDATION.—Chapter 152 of title 10,
24 United States Code, is amended by inserting after section
25 2552 the following new section:

1 **“§ 2552a. Arms, tentage, and equipment: educational**
2 **institutions not maintaining units of Jun-**
3 **ior ROTC**

4 “The Secretary of a military department may issue
5 arms, tentage, and equipment to an educational institution
6 at which no unit of the Junior Reserve Officers’ Training
7 Corps is maintained if the educational institution—

8 “(1) offers a course in military training pre-
9 scribed by that Secretary; and

10 “(2) has a student body of at least 50 students
11 who are in a grade above the eighth grade.”.

12 (b) CONFORMING REPEALS.—Sections 4651, 7911,
13 and 9651 of such title are repealed.

14 (c) CLERICAL AMENDMENTS.—

15 (1) The table of sections at the beginning of
16 chapter 152 of such title is amended by inserting
17 after the item relating to section 2552 the following
18 new item:

“2552a. Arms, tentage, and equipment: educational institutions not maintaining
units of Junior ROTC.”.

19 (2) The table of sections at the beginning of
20 chapter 441 of such title is amended by striking the
21 item relating to section 4651.

22 (3) The table of sections at the beginning of
23 chapter 667 of such title is amended by striking the
24 item relating to section 7911.

1 (1) IN GENERAL.—Chapter 58 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 1154. Assistance to eligible members and former**
5 **members to obtain employment as teach-**
6 **ers: Troops-to-Teachers Program**

7 “(a) DEFINITIONS.—In this section:

8 “(1) PROGRAM.—The term ‘Program’ means
9 the Troops-to-Teachers Program authorized by this
10 section.

11 “(2) MEMBER OF THE ARMED FORCES.—The
12 term ‘member of the armed forces’ includes a former
13 member of the armed forces.

14 “(3) CHARTER SCHOOL.—The term ‘charter
15 school’ has the meaning given that term in section
16 5210(1) of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 7221i(1)).

18 “(4) ELIGIBLE SCHOOL.—The term ‘eligible
19 school’ means—

20 “(A) A public school, including a charter
21 school, at which—

22 “(i) at least 30 percent of the stu-
23 dents enrolled in the school are from fami-
24 lies with incomes below 185 percent of pov-
25 erty level (as defined by the Office of Man-

1 agement and Budget and revised at least
2 annually in accordance with section 9(b)(1)
3 of the Richard B. Russell National School
4 Lunch Act) applicable to a family of the
5 size involved; or

6 “(ii) at least 13 percent of the stu-
7 dents enrolled in the school qualify for as-
8 sistance under part B of the Individuals
9 with Disabilities Education Act; or

10 “(B) a Bureau-funded school as defined in
11 section 1141(3) of the Education Amendments
12 of 1978 (25 U.S.C. 2021(3)).

13 “(5) HIGH-NEED SCHOOL.—The term ‘high-
14 need school’ means—

15 “(A) an elementary or middle school in
16 which at least 50 percent of the enrolled stu-
17 dents are children from low-income families,
18 based on the number of children eligible for free
19 and reduced priced lunches under the Richard
20 B. Russell National School Lunch Act, the
21 number of children in families receiving assist-
22 ance under the State program funded under
23 part A of title IV of the Social Security Act, the
24 number of children eligible to receive medical

1 assistance under the Medicaid program, or a
2 composite of these indicators;

3 “(B) a high school in which at least 40
4 percent of enrolled students are children from
5 low-income families, which may be calculated
6 using comparable data from feeder schools; or

7 “(C) a school that is in a local educational
8 agency that is eligible under section 6211(b) of
9 the Elementary and Secondary Education Act
10 of 1965.

11 “(6) ADDITIONAL TERMS.—The terms ‘elemen-
12 tary school’, ‘highly qualified teacher’, ‘local edu-
13 cational agency’, ‘secondary school’, and ‘State’ have
14 the meanings given those terms in section 9101 of
15 the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 7801).

17 “(b) PROGRAM AUTHORIZATION.—The Secretary of
18 Defense (hereinafter in this section referred to as the ‘Sec-
19 retary’) may carry out a program (to be known as the
20 ‘Troops-to-Teachers Program’)—

21 “(1) to assist eligible members of the armed
22 forces described in subsection (d) to obtain certifi-
23 cation or licensing as elementary school teachers,
24 secondary school teachers, or career or technical

1 teachers, and to become highly qualified teachers;
2 and

3 “(2) to facilitate the employment of such mem-
4 bers—

5 “(A) by local educational agencies or char-
6 ter schools that the Secretary of Education
7 identifies as—

8 “(i) receiving grants under part A of
9 title I of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 6301 et
11 seq.) as a result of having within their ju-
12 risdictions concentrations of children from
13 low-income families; or

14 “(ii) experiencing a shortage of highly
15 qualified teachers, in particular a shortage
16 of highly qualified science, mathematics,
17 special education, foreign language, or ca-
18 reer or technical teachers; and

19 “(B) in elementary schools or secondary
20 schools, or as career or technical teachers.

21 “(c) COUNSELING AND REFERRAL SERVICES.—The
22 Secretary may provide counseling and referral services to
23 members of the armed forces who do not meet the criteria
24 described in subsection (d), including meeting the edu-

1 cation qualification requirements under subsection
2 (d)(3)(B).

3 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

4 “(1) ELIGIBLE MEMBERS.—The following mem-
5 bers of the armed forces are eligible for selection to
6 participate in the Program:

7 “(A) Any member who—

8 “(i) on or after October 1, 1999, be-
9 comes entitled to retired or retainer pay
10 under this title or title 14;

11 “(ii) has an approved date of retire-
12 ment that is within one year after the date
13 on which the member submits an applica-
14 tion to participate in the Program; or

15 “(iii) has been transferred to the Re-
16 tired Reserve.

17 “(B) Any member who, on or after Janu-
18 ary 8, 2002—

19 “(i)(I) is separated or released from
20 active duty after four or more years of con-
21 tinuous active duty immediately before the
22 separation or release; or

23 “(II) has completed a total of at least
24 six years of active duty service, six years of
25 service computed under section 12732 of

1 this title, or six years of any combination
2 of such service; and

3 “(ii) executes a reserve commitment
4 agreement for a period of not less than
5 three years under paragraph (5)(B).

6 “(C) Any member who, on or after Janu-
7 ary 8, 2002, is retired or separated for physical
8 disability under chapter 61 of this title.

9 “(2) SUBMISSION OF APPLICATIONS.—(A) Se-
10 lection of eligible members of the armed forces to
11 participate in the Program shall be made on the
12 basis of applications submitted to the Secretary
13 within the time periods specified in subparagraph
14 (B). An application shall be in such form and con-
15 tain such information as the Secretary may require.

16 “(B) An application shall be considered to be
17 submitted on a timely basis under subparagraph
18 (A)(i), (B), or (C) of paragraph (1) if the applica-
19 tion is submitted not later than three years after the
20 date on which the member is retired, separated, or
21 released from active duty, whichever applies to the
22 member.

23 “(3) SELECTION CRITERIA; EDUCATIONAL
24 BACKGROUND REQUIREMENTS AND HONORABLE
25 SERVICE REQUIREMENT.—(A) Subject to subpara-

1 graphs (B) and (C), the Secretary shall prescribe
2 the criteria to be used to select eligible members of
3 the armed forces to participate in the Program.

4 “(B)(i) If a member of the armed forces is ap-
5 plying for assistance for placement as an elementary
6 school or secondary school teacher, the Secretary
7 shall require the member to have received a bacca-
8 laureate or advanced degree from an accredited in-
9 stitution of higher education.

10 “(ii) If a member of the armed forces is apply-
11 ing for assistance for placement as a career or tech-
12 nical teacher, the Secretary shall require the mem-
13 ber—

14 “(I) to have received the equivalent of one
15 year of college from an accredited institution of
16 higher education or the equivalent in military
17 education and training as certified by the De-
18 partment of Defense; or

19 “(II) to otherwise meet the certification or
20 licensing requirements for a career or technical
21 teacher in the State in which the member seeks
22 assistance for placement under the Program.

23 “(C) A member of the armed forces is eligible
24 to participate in the Program only if the member’s
25 last period of service in the armed forces was honor-

1 able, as characterized by the Secretary concerned. A
2 member selected to participate in the Program be-
3 fore the retirement of the member or the separation
4 or release of the member from active duty may con-
5 tinue to participate in the Program after the retire-
6 ment, separation, or release only if the member's
7 last period of service is characterized as honorable
8 by the Secretary concerned.

9 “(4) SELECTION PRIORITIES.—In selecting eli-
10 gible members of the armed forces to receive assist-
11 ance under the Program, the Secretary—

12 “(A) shall give priority to members who—

13 “(i) have educational or military expe-
14 rience in science, mathematics, special edu-
15 cation, foreign language, or career or tech-
16 nical subjects; and

17 “(ii) agree to seek employment as
18 science, mathematics, foreign language, or
19 special education teachers in elementary
20 schools or secondary schools or in other
21 schools under the jurisdiction of a local
22 educational agency; and

23 “(B) may give priority to members who
24 agree to seek employment in a high-need school.

25 “(5) OTHER CONDITIONS ON SELECTION.—

1 “(A) The Secretary may not select an eligi-
2 ble member of the armed forces to participate
3 in the Program and receive financial assistance
4 unless the Secretary has sufficient appropria-
5 tions for the Program available at the time of
6 the selection to satisfy the obligations to be in-
7 curred by the United States under subsection
8 (e) with respect to the member.

9 “(B) The Secretary may not select an eli-
10 gible member of the armed forces described in
11 paragraph (1)(B)(i) to participate in the Pro-
12 gram under this section and receive financial
13 assistance under subsection (e) unless the mem-
14 ber executes a written agreement to serve as a
15 member of the Selected Reserve of a reserve
16 component of the armed forces for a period of
17 not less than three years.

18 “(e) PARTICIPATION AGREEMENT AND FINANCIAL
19 ASSISTANCE.—

20 “(1) PARTICIPATION AGREEMENT.—(A) An eli-
21 gible member of the armed forces selected to partici-
22 pate in the Program under subsection (b) and re-
23 ceive financial assistance under this subsection shall
24 be required to enter into an agreement with the Sec-
25 retary in which the member agrees—

1 “(i) within such time as the Secretary may
2 require, to obtain certification or licensing as an
3 elementary school teacher, secondary school
4 teacher, or career or technical teacher, and to
5 become a highly qualified teacher; and

6 “(ii) to accept an offer of full-time employ-
7 ment as an elementary school teacher, sec-
8 ondary school teacher, or career or technical
9 teacher for not less than three school years in
10 an eligible school to begin the school year after
11 obtaining that certification or licensing.

12 “(B) The Secretary may waive the three-year
13 commitment described in subparagraph (A)(ii) for a
14 participant if the Secretary determines such waiver
15 to be appropriate. If the Secretary provides the
16 waiver, the participant shall not be considered to be
17 in violation of the agreement and shall not be re-
18 quired to provide reimbursement under subsection
19 (f), for failure to meet the three-year commitment.

20 “(2) VIOLATION OF PARTICIPATION AGREE-
21 MENT; EXCEPTIONS.—A participant in the Program
22 shall not be considered to be in violation of the par-
23 ticipation agreement entered into under paragraph
24 (1) during any period in which the participant—

1 “(A) is pursuing a full-time course of
2 study related to the field of teaching at an in-
3 stitution of higher education;

4 “(B) is serving on active duty as a member
5 of the armed forces;

6 “(C) is temporarily totally disabled for a
7 period of time not to exceed three years as es-
8 tablished by sworn affidavit of a qualified physi-
9 cian;

10 “(D) is unable to secure employment for a
11 period not to exceed 12 months by reason of the
12 care required by a spouse who is disabled;

13 “(E) is a highly qualified teacher who is
14 seeking and unable to find full-time employ-
15 ment as a teacher in an elementary school or
16 secondary school or as a career or technical
17 teacher for a single period not to exceed 27
18 months; or

19 “(F) satisfies the provisions of additional
20 reimbursement exceptions that may be pre-
21 scribed by the Secretary.

22 “(3) STIPEND AND BONUS FOR PARTICI-
23 PANTS.—(A) Subject to subparagraph (C), the Sec-
24 retary may pay to a participant in the Program se-
25 lected under this section a stipend to cover expenses

1 incurred by the participant to obtain the required
2 educational level, certification or licensing. Such sti-
3 pend may not exceed \$5,000 and may vary by par-
4 ticipant.

5 “(B) Subject to subparagraph (C), the Sec-
6 retary may pay a bonus of up to \$10,000 to a par-
7 ticipant in the Program selected under this section
8 who agrees in the participation agreement under
9 paragraph (1) to become a highly qualified teacher
10 and to accept full-time employment as an elementary
11 school teacher, secondary school teacher, or career
12 or technical teacher for not less than three school
13 years in a high-need school. Such bonus may vary by
14 participant and may take into account the priority
15 placements as determined by the Secretary.

16 “(C)(i) The total number of stipends that may
17 be paid under subparagraph (A) in any fiscal year
18 may not exceed 5,000.

19 “(ii) The total number of bonuses that may be
20 paid under subparagraph (B) in any fiscal year may
21 not exceed 3,000.

22 “(iii) The combination of stipend and bonus for
23 any one participant may not exceed \$10,000.

24 “(4) TREATMENT OF STIPEND AND BONUS.—A
25 stipend or bonus paid under this subsection to a

1 participant in the Program shall be taken into ac-
2 count in determining the eligibility of the participant
3 for Federal student financial assistance provided
4 under title IV of the Higher Education Act of 1965
5 (20 U.S.C. 1070 et seq.).

6 “(f) REIMBURSEMENT UNDER CERTAIN CIR-
7 CUMSTANCES.—

8 “(1) REIMBURSEMENT REQUIRED.—A partici-
9 pant in the Program who is paid a stipend or bonus
10 under this subsection shall be required to repay the
11 stipend or bonus under the following circumstances:

12 “(A) The participant fails to obtain teach-
13 er certification or licensing, to become a highly
14 qualified teacher, or to obtain employment as
15 an elementary school teacher, secondary school
16 teacher, or career or technical teacher as re-
17 quired by the participation agreement under
18 subsection (e)(1).

19 “(B) The participant voluntarily leaves, or
20 is terminated for cause from, employment as an
21 elementary school teacher, secondary school
22 teacher, or career or technical teacher during
23 the three years of required service in violation
24 of the participation agreement.

1 “(C) The participant executed a written
2 agreement with the Secretary concerned under
3 subsection (d)(5)(B) to serve as a member of a
4 reserve component of the armed forces for a pe-
5 riod of three years and fails to complete the re-
6 quired term of service.

7 “(2) AMOUNT OF REIMBURSEMENT.—A partici-
8 pant required to reimburse the Secretary for a sti-
9 pend or bonus paid to the participant under sub-
10 section (e) shall pay an amount that bears the same
11 ratio to the amount of the stipend or bonus as the
12 unserved portion of required service bears to the
13 three years of required service. Any amount owed by
14 the participant shall bear interest at the rate equal
15 to the highest rate being paid by the United States
16 on the day on which the reimbursement is deter-
17 mined to be due for securities having maturities of
18 90 days or less and shall accrue from the day on
19 which the participant is first notified of the amount
20 due.

21 “(3) TREATMENT OF OBLIGATION.—The obliga-
22 tion to reimburse the Secretary under this sub-
23 section is, for all purposes, a debt owing the United
24 States. A discharge in bankruptcy under title 11

1 shall not release a participant from the obligation to
2 reimburse the Secretary under this subsection.

3 “(4) EXCEPTIONS TO REIMBURSEMENT RE-
4 QUIREMENT.—A participant shall be excused from
5 reimbursement under this subsection if the partici-
6 pant becomes permanently totally disabled as estab-
7 lished by sworn affidavit of a qualified physician.
8 The Secretary may also waive the reimbursement in
9 cases of extreme hardship to the participant, as de-
10 termined by the Secretary.

11 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
12 UNDER MONTGOMERY GI BILL.—The receipt by a partic-
13 ipant in the Program of a stipend or bonus under this
14 subsection (e) shall not reduce or otherwise affect the enti-
15 tlement of the participant to any benefits under chapter
16 30 or 33 of title 38 or chapter 1606 of this title.

17 “(h) PARTICIPATION BY STATES.—

18 “(1) DISCHARGE OF STATE ACTIVITIES
19 THROUGH CONSORTIA OF STATES.—The Secretary
20 may permit States participating in the Program to
21 carry out activities authorized for such States under
22 the Program through one or more consortia of such
23 States.

24 “(2) ASSISTANCE TO STATES.—(A) Subject to
25 subparagraph (B), the Secretary may make grants

1 to States participating in the Program, or to con-
2 sortia of such States, in order to permit such States
3 or consortia of States to operate offices for purposes
4 of recruiting eligible members of the armed forces
5 for participation in the Program and facilitating the
6 employment of participants in the Program as ele-
7 mentary school teachers, secondary school teachers,
8 and career or technical teachers.

9 “(B) The total amount of grants made under
10 subparagraph (A) in any fiscal year may not exceed
11 \$5,000,000.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of such chapter is amended
14 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.”.

15 (c) CONFORMING AMENDMENT.—Section
16 1142(b)(4)(C) of such title is amended by striking “under
17 sections 1152 and 1153 of this title and the Troops-to-
18 Teachers Program under section 2302 of the Elementary
19 and Secondary Education Act of 1965 (20 U.S.C. 6672)”
20 and inserting “under sections 1152, 1153, and 1154 of
21 this title”.

22 (d) TERMINATION OF ORIGINAL PROGRAM.—

23 (1) TERMINATION.—

1 (A) Chapter A of subpart 1 of Part C of
2 title II of the Elementary and Secondary Edu-
3 cation Act of 1965 (20 U.S.C. 6671 et seq.) is
4 repealed.

5 (B) The table of contents in section 2 of
6 Part I of the Elementary and Secondary Edu-
7 cation Act 1965 is amended by striking the
8 items relating to such chapter.

9 (2) EXISTING AGREEMENTS.—The repeal of
10 chapter A of subpart 1 of Part C of title II of the
11 Elementary and Secondary Education Act of 1965
12 (20 U.S.C. 6671 et seq.) by paragraph (1)(A) shall
13 not affect the validity or terms of any agreement en-
14 tered into before the date of the enactment of this
15 Act under such chapter, or to pay assistance, make
16 grants, or obtain reimbursement in connection with
17 such an agreement as in effect before such repeal.

18 (e) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on the effective date of the
20 transfer under subsection (a).

1 **SEC. 532. MODIFICATION OF AUTHORITY TO ALLOW DE-**
2 **PARTMENT OF DEFENSE DOMESTIC DEPEND-**
3 **ENT ELEMENTARY AND SECONDARY**
4 **SCHOOLS TO ENROLL CERTAIN STUDENTS.**

5 Section 2164 of title 10, United States Code, is
6 amended by inserting at the end the following new sub-
7 sections:

8 “(k) TUITION-FREE ENROLLMENT FOR DEPEND-
9 ENTS OF DOMESTIC DEPENDENT ELEMENTARY AND SEC-
10 ONDARY SCHOOLS.—Tuition-free enrollment in the do-
11 mestic dependent elementary and secondary schools is au-
12 thorized for dependents who are currently enrolled in the
13 defense dependents’ education school system pursuant to
14 the Defense Dependents’ Education Act of 1978, as
15 amended (20 U.S.C. 921 et seq.) if—

16 “(1) such dependents departed their overseas
17 location due to an authorized departure or evacu-
18 ation order;

19 “(2) the designated safe haven of such depend-
20 ents is located within commuting distance of a
21 school operated by the domestic dependent elemen-
22 tary and secondary schools; and

23 “(3) the school already possesses the capacity
24 and resources for the student to attend the school.

25 “(l) TUITION-PAYING ENROLLMENT IN THE DE-
26 PARTMENT’S VIRTUAL ELEMENTARY AND SECONDARY

1 EDUCATION PROGRAM.—Under circumstances prescribed
 2 by the Secretary, tuition-paying enrollment in the depart-
 3 ment’s virtual elementary and secondary education pro-
 4 gram for dependents of active-duty members of the armed
 5 forces is authorized for dependents when such depend-
 6 ents—

7 “(1) transition from an overseas defense de-
 8 pendents’ education system school into a school op-
 9 erated by a local educational agency or another ac-
 10 credited educational program in the United States,
 11 and

12 “(2) are not otherwise eligible to enroll in a De-
 13 partment of Defense domestic dependent elementary
 14 or secondary school pursuant to subsection (a).”.

15 **SEC. 533. AUTHORITY FOR ACCEPTANCE OF GIFTS AND**
 16 **OTHER PRIVATE SUPPORT FOR MARINE**
 17 **CORPS UNIVERSITY.**

18 (a) IN GENERAL.—Chapter 609 of title 10, United
 19 States Code, is amended by adding at the end the fol-
 20 lowing new section:

21 **“§ 7105. Marine Corps University: acceptance of gifts**
 22 **and support from nonprofit entities**

23 “(a) ACCEPTANCE OF GIFTS.—The Secretary of the
 24 Navy may accept, hold, administer, and spend any gift,
 25 including a gift from an international organization and a

1 foreign gift or donation (as defined in section 2166(f)(4)
2 of this title), that is made on the condition that it be used
3 for the benefit of or in connection with the Marine Corps
4 University. The Secretary may pay all necessary expenses
5 in connection with the acceptance of a gift under this sub-
6 section. For the purposes of Federal income, estate, and
7 gift taxes, any property, money, or services accepted under
8 this section shall be considered as a gift to or for the use
9 of the United States. This authority is in addition to exist-
10 ing authority to accept gifts and services under this title,
11 and notwithstanding section 1342 of title 31.

12 “(b) ACCEPTANCE OF GIFTS OF FUNDS.—A gift of
13 funds shall be accepted under this section in the same
14 manner as funds accepted under subsection (c) of section
15 2601 of this title.

16 “(c) LIMITATION ON USE OF GIFTS OF FUNDS.—A
17 gift of money, and the proceeds of the sale of all property,
18 received under subsection (a), for, the Marine Corps Uni-
19 versity shall be deposited into the Navy General Gift Fund
20 pursuant to section 2601 of this title and shall be available
21 for obligation and disbursement only for the benefit of or
22 in connection with the Marine Corps University or any of
23 its programs. Subject to the prohibitions set forth in sec-
24 tion 2601(d)(2) of this title, funds donated to the Marine
25 Corps University from nonprofit entities, and accepted by

1 the Secretary, are not otherwise subject to the limitations
2 set forth in section 2601 and may be used for any purpose
3 in furtherance of a Marine Corps University mission.

4 “(d) COOPERATIVE AGREEMENTS.—The Secretary
5 may authorize cooperative agreements (as described in
6 section 6305 of title 31) with nonprofit entities for pur-
7 poses related to support of the Marine Corps University.

8 “(e) EMPLOYEE STATUS.—For purposes of this sec-
9 tion, employees or personnel of a nonprofit entity may not
10 be considered to be employees of the United States.

11 “(f) DEFINITIONS.—In this section:

12 “(1) The term ‘gift’ includes any gift, devise, or
13 bequeath of real property, personal property, money,
14 or any gift of services from a nonprofit entity.

15 “(2) The term ‘funds’ refers to money.

16 “(3) The term ‘money’ means cash, checks, or
17 other forms of negotiable instruments.

18 “(4) The term ‘Marine Corps University’ in-
19 cludes any school or other component of the Marine
20 Corps University.

21 “(5) The term ‘nonprofit entity’ means any en-
22 tity—

23 “(A) that qualifies as an exempt organiza-
24 tion under section 501(c)(3) of the Internal
25 Revenue Code of 1986; and

1 “(B) that has as a primary purpose sup-
2 porting a military university or museum pro-
3 gram.

4 “(g) IMPLEMENTING REGULATIONS.—The Secretary
5 of the Navy shall prescribe regulations to carry out this
6 section.”.

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

“7105. Marine Corps University; acceptance of gifts and support from nonprofit
entities.”.

10 **Subtitle E—Other Matters**

11 **SEC. 541. AIR FORCE CHIEF AND DEPUTY CHIEF OF CHAP-** 12 **LAINS.**

13 (a) IN GENERAL.—Chapter 805 of title 10, United
14 States Code, is amended by adding at the end the fol-
15 lowing new section:

16 **“§ 8039. Chief and Deputy Chief of Chaplains: ap-** 17 **pointment; duties**

18 “(a) CHIEF OF CHAPLAINS.—

19 “(1) There is a Chief of Chaplains in the Air
20 Force, appointed by the President, by and with the
21 advice and consent of the Senate, from officers of
22 the Air Force designated under section 8067(h) of
23 this title as chaplains who are serving in the grade
24 of colonel or above, are serving on active duty, and

1 have served on active duty as a chaplain for at least
2 eight years.

3 “(2) An officer appointed as the Chief of Chap-
4 lains shall be appointed for a term of three years.
5 However, the President may terminate or extend the
6 appointment at any time.

7 “(3) The Chief of Chaplains shall be appointed
8 in the regular grade of major general.

9 “(4) The Chief of Chaplains shall perform such
10 duties as may be prescribed by the Secretary of the
11 Air Force and by law.

12 “(b) DEPUTY CHIEF OF CHAPLAINS.—

13 “(1) There is a Deputy Chief of Chaplains in
14 the Air Force, appointed by the President, by and
15 with the advice and consent of the Senate, from offi-
16 cers of the Air Force designated under section
17 8067(h) of this title as chaplains, who are serving in
18 the grade of colonel, are serving on active duty, and
19 have served on active duty as a chaplain for at least
20 eight years.

21 “(2) An officer appointed as the Deputy Chief
22 of Chaplains shall be appointed for a term of three
23 years. However, the President may terminate or ex-
24 tend the appointment at any time.

1 “(3) The Deputy Chief of Chaplains shall be
2 appointed in the regular grade of brigadier general.

3 “(4) The Deputy Chief of Chaplains shall per-
4 form such duties as may be prescribed by the Sec-
5 retary of the Air Force and the Chief of Chaplains
6 and by law.

7 “(c) SELECTION BOARD.—Under regulations ap-
8 proved by the Secretary of Defense, the Secretary of the
9 Air Force in selecting an officer for recommendation to
10 the President under subsection (a) for appointment as the
11 Chief of Chaplains or under subsection (b) for appoint-
12 ment as the Deputy Chief of Chaplains, shall ensure that
13 the officer selected is recommended by a board of officers
14 that, insofar as practicable, is subject to the procedures
15 applicable to the selection boards convened under chapter
16 36 of this title.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by adding
19 at the end the following new item:

“8039. Chief and Deputy Chief of Chaplains; appointment; duties.”.

20 **SEC. 542. AUTHORITY FOR ADDITIONAL BEHAVIORAL**
21 **HEALTH PROFESSIONALS TO CONDUCT PRE-**
22 **SEPARATION MEDICAL EXAMS FOR POST-**
23 **TRAUMATIC STRESS DISORDER.**

24 Section 1177(a) of title 10, United States Code, is
25 amended—

1 YEAR ON GROUNDS OF EARLY SUBMISSION.—A State
2 may not refuse to accept or process, with respect to any
3 election for Federal office to be held in the first 120 days
4 of the following year, any otherwise valid voter registration
5 application or absentee ballot application (including the
6 post card form prescribed under section 101) submitted
7 by an absent uniformed services voter or overseas voter
8 during a year on the grounds that the voter submitted the
9 application before the first date on which the State other-
10 wise accepts or processes such applications submitted by
11 absentee voters who are not members of the uniformed
12 services or an overseas voter.

13 “(c) REVISION OF OFFICIAL POST CARD FORM FOR
14 ABSENTEE BALLOT REQUESTS.—The Presidential des-
15 ignee shall revise the official post card form prescribed
16 under section 101 to enable a voter using the form to—

17 “(1) request an absentee ballot for each election
18 for Federal office held in a State during a year and
19 the first 120 days of the following year; or

20 “(2) request an absentee ballot for only the
21 next scheduled election for Federal office held in a
22 State.”.

1 **SEC. 544. INCLUSION OF NORTHERN MARIANA ISLANDS AS**
 2 **A “STATE” FOR PURPOSES OF THE UNI-**
 3 **FORMED AND OVERSEAS CITIZENS ABSEN-**
 4 **TEE VOTING ACT.**

5 Paragraphs (6) and (8) of section 107 of the Uni-
 6 formed and Overseas Citizens Absentee Voting Act (42
 7 U.S.C. 1973ff-6) are each amended by striking “and
 8 American Samoa” and inserting “American Samoa, and
 9 the Commonwealth of the Northern Mariana Islands”.

10 **SEC. 545. CLARIFICATION AND ENHANCEMENT OF THE**
 11 **ROLE OF THE STAFF JUDGE ADVOCATE TO**
 12 **THE COMMANDANT OF THE MARINE CORPS.**

13 (a) APPOINTMENT BY THE PRESIDENT AND PERMA-
 14 NENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—
 15 Subsection (a) of section 5046 of title 10, United States
 16 Code, is amended—

17 (1) in the first sentence, by striking “detailed”
 18 and inserting “appointed by the President, by and
 19 with the advice and consent of the Senate,”; and

20 (2) in the second sentence—

21 (A) by striking “The” and inserting “If an
 22 officer appointed as the”; and

23 (B) by striking “, while so serving, has the
 24 grade of” and inserting “holds a lower grade,
 25 the officer shall be appointed in the grade of”.

1 (b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—

2 Such section is further amended—

3 (1) by redesignating subsection (c) as sub-
4 section (d); and

5 (2) by inserting after subsection (b) the fol-
6 lowing new subsection (c):

7 “(c) The Staff Judge Advocate to the Commandant
8 of the Marine Corps, under the direction of the Com-
9 mandant of the Marine Corps and the Secretary of the
10 Navy, shall—

11 “(1) perform duties relating to legal matters
12 arising in the Marine Corps as may be assigned to
13 him;

14 “(2) perform the functions and duties and exer-
15 cise the powers prescribed for the Staff Judge Advo-
16 cate to the Commandant of the Marine Corps in
17 chapter 47 of this title (the Uniform Code of Mili-
18 tary Justice) and chapter 53 of this title; and

19 “(3) perform such other duties as may be as-
20 signed to him.”.

21 (c) COMPOSITION OF HEADQUARTERS, MARINE
22 CORPS.—Section 5041(b) of such title is amended—

23 (1) by redesignating paragraphs (4) and (5) as
24 paragraphs (5) and (6), respectively; and

1 (2) by striking the period at the end of sub-
2 paragraph (C) and inserting “; and”; and

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

5 “(D) coordination of periodic briefing of fami-
6 lies of missing persons about the efforts of the De-
7 partment of Defense to account for those persons.”.

8 (b) GIFT ACCEPTANCE.—Paragraph (6) of such sec-
9 tion is amended by adding at the end the following new
10 subparagraph:

11 “(D) To facilitate accounting for missing persons, the
12 Secretary of Defense may accept voluntary or gratuitous
13 services provided by persons or entities outside of the
14 United States Government that further the purposes of
15 this chapter.”.

16 **SEC. 547. CLARIFICATION OF AUTHORIZED FISHER HOUSE**
17 **RESIDENTS AT THE FISHER HOUSE FOR THE**
18 **FAMILIES OF THE FALLEN AND MEDITATION**
19 **PAVILION AT DOVER AIR FORCE BASE, DELA-**
20 **WARE.**

21 (a) TREATMENT OF FISHER HOUSE FOR THE FAMI-
22 LIES OF THE FALLEN AND MEDITATION PAVILION AT
23 DOVER AIR FORCE BASE.—Subsection (a) of section
24 2493 of title 10, United States Code, is amended—

25 (1) in paragraph (1)—

1 (A) by striking “by patients” in subpara-
2 graph (B) and all that follows through “such
3 patients;” and inserting “by authorized Fisher
4 House residents;”; and

5 (B) by adding at the end the following new
6 sentence:

7 “Such term includes the Fisher House for the Fami-
8 lies of the Fallen and Meditation Pavilion at Dover
9 Air Force Base, Delaware, so long as such facility
10 is available for residential use on a temporary basis
11 by authorized Fisher House residents.”; and

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

14 “(3) The term ‘authorized Fisher House resi-
15 dents’ means the following:

16 “(A) With respect to a facility described in
17 the first sentence of paragraph (1) that is lo-
18 cated in proximity to a health care facility of
19 the Army, the Air Force, or the Navy, the fol-
20 lowing persons:

21 “(i) Patients of that health care facil-
22 ity.

23 “(ii) Members of the families of such
24 patients.

1 “(iii) Others providing the equivalent
2 of familial support for such patients.

3 “(B) With respect to the Fisher House for
4 Families of the Fallen and Meditation Pavilion
5 at Dover Air Force Base, Delaware, the fol-
6 lowing persons:

7 “(i) The primary next of kin of a
8 member of the armed forces who dies while
9 located or serving overseas.

10 “(ii) Other family members of the de-
11 ceased member who are eligible for trans-
12 portation under section 411f(e) of title 37.

13 “(iii) An escort of a family member
14 described in clause (i) or (ii).”.

15 (b) CONFORMING AMENDMENTS.—Subsections (b),
16 (e), (f), and (g) of such section are amended by striking
17 “health care” each place it appears.

18 (c) REPEAL OF FISCAL YEAR 2012 PROVISION.—
19 Section 643 of the National Defense Authorization Act for
20 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466)
21 is repealed.

1 **SEC. 548. REPEAL OF ALTERNATIVE MECHANISM FOR RE-**
 2 **QUIRED ALLOTMENTS FROM PAY FOR CHILD**
 3 **AND SPOUSAL SUPPORT OWED BY MEMBERS**
 4 **OF THE UNIFORMED SERVICES ON ACTIVE**
 5 **DUTY.**

6 Section 465 of the Social Security Act (42 U.S.C.
 7 665) is repealed.

8 **SEC. 549. REDUCTION IN REQUIREMENTS FOR PUBLICA-**
 9 **TION IN FEDERAL REGISTER UNDER SOL-**
 10 **OMON AMENDMENT.**

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

13 **TITLE VI—COMPENSATION AND**
 14 **OTHER PERSONNEL BENEFITS**

15 **SEC. 601. REPEAL OF REQUIREMENT FOR PAYMENT OF**
 16 **SURVIVOR BENEFIT PLAN PREMIUMS WHEN**
 17 **PARTICIPANT WAIVES RETIRED PAY TO PRO-**
 18 **VIDE A SURVIVOR ANNUITY UNDER FEDERAL**
 19 **EMPLOYEES RETIREMENT SYSTEM AND TER-**
 20 **MINATING PAYMENT OF THE SURVIVOR BEN-**
 21 **EFIT PLAN ANNUITY.**

22 (a) **DEPOSITS NOT REQUIRED.**—Section 1452(e) of
 23 title 10, United States Code, is amended—

24 (1) by inserting “AND FERS” in the subsection
 25 heading after “CSRS”;

1 (2) by inserting “or for the purposes of chapter
2 84 of title 5,” after “chapter 83 of title 5,”;

3 (3) by inserting “or 8416(j)” after “8339(j)”;

4 and

5 (4) by inserting “or 8442(a)” after “8341(b)”.

6 (b) CONFORMING AMENDMENT.—Section 1450(d) of
7 such title is amended—

8 (1) by inserting “or for the purposes of chapter
9 84 of title 5,” after “chapter 83 of title 5,”;

10 (2) by inserting “or 8146(a)” after “8339(j)”;

11 and

12 (3) by inserting “or 8442(a)” after “8341(b)”.

13 (c) APPLICATION OF AMENDMENTS.—The amend-
14 ments made by this section shall apply with respect to any
15 participant electing an annuity for survivors under chapter
16 84 of title 5, United States Code, on or after the date
17 of the enactment of this Act.

18 **SEC. 602. TRANSITIONAL COMPENSATION FOR DEPENDENT**
19 **CHILDREN WHO WERE CARRIED DURING**
20 **PREGNANCY AT THE TIME OF THE DEPEND-**
21 **ENT-ABUSE OFFENSE.**

22 (a) IN GENERAL.—Section 1059 of title 10, United
23 States Code, is amended—

24 (1) in subsection (f), by adding at the end the
25 following new paragraph:

1 “(4) Payment to a child under this section shall not
2 be paid for any period that the child was in utero.”; and

3 (2) in subsection (1), by striking “at the time of
4 the dependent-abuse offense resulting in the separa-
5 tion of the former member” and inserting “or eligi-
6 ble spouse at the time of the dependent-abuse of-
7 fense resulting in the separation of the former mem-
8 ber or who was carried during pregnancy at the time
9 of the dependent-abuse offense resulting in the sepa-
10 ration of the former member and was subsequently
11 born alive to the eligible spouse or former spouse”.

12 (b) PROSPECTIVE APPLICABILITY.—No benefits shall
13 accrue by reason of the amendments made by this section
14 for any month that begins before the date of the enact-
15 ment of this Act.

16 **SEC. 603. INCREASE IN AMOUNT OF OFFICER AFFILIATION**

17 **BONUS FOR OFFICERS IN THE SELECTED RE-**

18 **SERVE.**

19 Section 308j(d) of title 37, United States Code, is
20 amended by striking “\$10,000” and inserting “\$20,000”.

21 **SEC. 604. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEM-**

22 **BER COUPLES WHEN ONE IS ON SEA DUTY.**

23 (a) IN GENERAL.—Subparagraph (C) of section
24 403(f)(2) of title 37, United States Code, is amended to
25 read as follows:

1 “(C) Notwithstanding section 421 of this title, a
 2 member of a uniformed service in a pay grade below pay
 3 grade E-6 who is assigned to sea duty and is married
 4 to another member of a uniformed service is entitled to
 5 a basic allowance for housing subject to the limitations
 6 of subsection (e).”.

7 (b) EFFECTIVE DATE.—The amendment made by
 8 subsection (a) shall take effect on January 1, 2013.

9 **SEC. 605. CHANGE TO THE DEFINITION OF DEPENDENT**
 10 **FOR PURPOSES OF LIMITING THE TERMS OF**
 11 **CONSUMER CREDIT FOR CERTAIN MEMBERS**
 12 **OF THE ARMED FORCES AND THEIR DEPEND-**
 13 **ENTS.**

14 Section 987(i)(2) of title 10, United States Code, is
 15 amended to read as follows:

16 “(2) DEPENDENT.—The term ‘dependent’, with re-
 17 spect to a covered member, has the meaning given that
 18 term in subparagraphs (A), (D), (E), and (I) of section
 19 1072(2) of this title.”.

20 **SEC. 606. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
 21 **BONUS AND SPECIAL PAY AUTHORITIES.**

22 (a) AUTHORITIES RELATING TO RESERVE
 23 FORCES.—The following sections of title 37, United
 24 States Code, are amended by striking “December 31,
 25 2012” and inserting “December 31, 2013”:

1 (1) Section 308b(g), relating to Selected Re-
2 serve reenlistment bonus.

3 (2) Section 308e(i), relating to Selected Reserve
4 affiliation or enlistment bonus.

5 (3) Section 308d(c), relating to special pay for
6 enlisted members assigned to certain high-priority
7 units.

8 (4) Section 308g(f)(2), relating to Ready Re-
9 serve enlistment bonus for persons without prior
10 service.

11 (5) Section 308h(e), relating to Ready Reserve
12 enlistment and reenlistment bonus for persons with
13 prior service.

14 (6) Section 308i(f), relating to Selected Reserve
15 enlistment and reenlistment bonus for persons with
16 prior service.

17 (7) Section 910(g), relating to income replace-
18 ment payments for reserve component members ex-
19 periencing extended and frequent mobilization for
20 active duty service.

21 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
22 CARE PROFESSIONALS.—The following sections of title
23 10, United States Code, are amended by striking “Decem-
24 ber 31, 2012” and inserting “December 31, 2013”:

1 (1) Section 2130a(a)(1), relating to nurse offi-
2 cer candidate accession program.

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

6 (c) TITLE 37 AUTHORITIES RELATING TO HEALTH
7 CARE PROFESSIONALS.—The following sections of title
8 37, United States Code, are amended by striking “Decem-
9 ber 31, 2012” and inserting “December 31, 2013”:

10 (1) Section 302c–1(f), relating to accession and
11 retention bonuses for psychologists.

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

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

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

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

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

23 (7) Section 302k(f), relating to accession bonus
24 for medical officers in critically short wartime spe-
25 cialties.

1 (8) Section 3021(g), relating to accession bonus
2 for dental specialist officers in critically short war-
3 time specialties.

4 (d) AUTHORITIES RELATING TO NUCLEAR OFFI-
5 CERS.—The following sections of title 37, United States
6 Code, are amended by striking “December 31, 2012” and
7 inserting “December 31, 2013”:

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

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

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

15 (e) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
16 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
17 THORITIES.—The following sections of title 37, United
18 States Code, are amended by striking “December 31,
19 2012” and inserting “December 31, 2013”:

20 (1) Section 331(h), relating to general bonus
21 authority for enlisted members.

22 (2) Section 332(g), relating to general bonus
23 authority for officers.

24 (3) Section 333(i), relating to special bonus and
25 incentive pay authorities for nuclear officers.

1 (4) Section 334(i), relating to special aviation
2 incentive pay and bonus authorities for officers.

3 (5) Section 335(k), relating to bonus and incen-
4 tive pay authorities for officers in health professions.

5 (6) Section 351(h), relating to hazardous duty
6 pay.

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

9 (8) Section 353(i), relating to skill incentive
10 pay or proficiency bonus.

11 (9) Section 355(h), relating to retention incen-
12 tives for members qualified in critical military skills
13 or assigned to high priority units.

14 (f) OTHER TITLE 37 BONUS AND SPECIAL PAY AU-
15 THORITIES.—The following sections of title 37, United
16 States Code, are amended by striking “December 31,
17 2012” and inserting “December 31, 2013”:

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

20 (2) Section 307a(g), relating to assignment in-
21 centive pay.

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

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

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

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

6 (7) Section 327(h), relating to incentive bonus
7 for transfer between the Armed Forces.

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

10 (9) Section 403(b)(7)(E), relating to basic al-
11 lowance for housing.

12 **SEC. 607. REVISION TO CERTAIN DEFINITIONS RELATING**
13 **TO FAMILIES OF SERVICEMEMBERS FOR**
14 **PURPOSES OF FAMILY AND MEDICAL LEAVE.**

15 (a) DEFINITIONS APPLICABLE UNDER FAMILY AND
16 MEDICAL LEAVE ACT OF 1993.—

17 (1) DEFINITION OF “COVERED ACTIVE
18 DUTY”.—Paragraph (14) of section 101 of the Fam-
19 ily and Medical Leave Act of 1993 (29 U.S.C. 2611)
20 is amended—

21 (A) by striking “to a foreign country” in
22 subparagraphs (A) and (B); and

23 (B) by inserting “, 12301(d), or 12301(g)”
24 after “section 101(a)(13)(B)” in subparagraph
25 (B).

1 (2) DEFINITION OF “COVERED SERVICEMEM-
2 BER”.—Paragraph (15)(A) of such section is
3 amended by inserting “inpatient or” before “out-
4 patient status”.

5 (b) DEFINITIONS APPLICABLE TO LEAVE FOR CIVIL
6 SERVICE EMPLOYEES.—

7 (1) DEFINITION OF “COVERED ACTIVE
8 DUTY”.—Paragraph (7) of section 6381 of title 5,
9 United States Code, is amended—

10 (A) by striking “to a foreign country” in
11 subparagraph (A) and (B); and

12 (B) by inserting “, 12301(d), or 12301(g)”
13 after “section 101(a)(13)(B)” in subparagraph
14 (B).

15 (2) DEFINITION OF “COVERED SERVICEMEM-
16 BER”.—Paragraph (8)(A) of such section is amend-
17 ed by inserting “inpatient or” before “outpatient
18 status”.

19 (3) TECHNICAL AMENDMENT.—Paragraph
20 (7)(B) of such section is further amended by strik-
21 ing “, United States Code”.

1 **SEC. 608. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE**
 2 **BONUS FOR RESERVE COMPONENT MEM-**
 3 **BERS WHO CONVERT MILITARY OCCUPA-**
 4 **TIONAL SPECIALTY TO EASE PERSONNEL**
 5 **SHORTAGES.**

6 Section 326(c)(1) of title 37, United States Code, is
 7 amended by striking “, in the case of” the first place it
 8 appears and all that follows through “reserve component
 9 of the armed forces”.

10 **SEC. 609. MODIFICATIONS TO CAREER INTERMISSION**
 11 **PILOT PROGRAM.**

12 (a) EXTENSION OF PROGRAMS TO INCLUDE ACTIVE
 13 GUARD AND RESERVE PERSONNEL.—Subsection (a)(1) of
 14 section 533 of Duncan Hunter National Defense Author-
 15 ization Act for Fiscal Year 2009 (Public Law 110–417;
 16 122 Stat. 4449; prec. 10 U.S.C. 701 note) is amended
 17 by inserting “and members on active Guard and Reserve
 18 duty” after “officers and enlisted members of the regular
 19 components”.

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 exist-
 25 ing leave balance accumulated in accordance with

1 section 701 of title 10, United States Code, but not
2 to exceed 60 days.”.

3 (c) AUTHORITY FOR DISABILITY PROCESSING.—Sub-
4 section (j) of such section is amended—

5 (1) by striking “for purposes of the entitle-
6 ment” and inserting “for purposes of—

7 “(1) the entitlement”;

8 (2) by striking the period at the end and insert-
9 ing “; and”; and

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

12 “(2) retirement or separation for physical dis-
13 ability under the provisions of chapters 55 and 61
14 of title 10, United States Code.”.

15 **SEC. 610. PERMANENT CHANGE OF STATION ALLOWANCES**

16 **FOR MEMBERS OF SELECTED RESERVE**

17 **UNITS FILLING A VACANCY IN ANOTHER**

18 **UNIT AFTER BEING INVOLUNTARILY SEPA-**

19 **RATED.**

20 (a) TRAVEL AND TRANSPORTATION ALLOWANCES

21 GENERALLY.—Section 474 of title 37, United States

22 Code, as transferred and redesignated by section

23 631(d)(2) of the National Defense Authorization Act for

24 Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1460),

25 is amended—

1 (1) in subsection (a)—

2 (A) by striking “and” at the end of para-
3 graph (4);

4 (B) by striking the period at the end of
5 paragraph (5) and inserting “; and”; and

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

8 “(6) upon filling a vacancy in a Selected Re-
9 serve unit at a duty station that is more than 150
10 miles from the member’s residence, if during the
11 preceding three years the member was involuntarily
12 separated under other than adverse conditions, as
13 characterized by the Secretary concerned, while as-
14 signed to a unit of the Selective Reserve and if that
15 separation was during the period beginning on Octo-
16 ber 1, 2012, and ending on December 31, 2018.”;

17 (2) in subsection (f), by adding at the end the
18 following new paragraph:

19 “(4)(A) A member may be provided travel and trans-
20 portation allowances under subsection (a)(6) only with re-
21 spect to the filling of a vacancy in a Selected Reserve unit
22 one time.

23 “(B) Regulations under this section shall provide that
24 whenever travel and transportation allowances are paid

1 under subsection (a)(6), the cost shall be borne by the unit
2 filling the vacancy.”; and

3 (3) in subsection (j), by striking “In this” and
4 inserting “Other than in subsection (a)(6), in this”.

5 (b) TRAVEL AND TRANSPORTATION ALLOWANCES
6 FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section
7 476(a) of such title, as transferred and redesignated by
8 section 631(d)(2) of the National Defense Authorization
9 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
10 1460), is amended—

11 (1) in paragraph (2)(B)—

12 (A) by striking “or” at the end of clause
13 (iv);

14 (B) by striking the period at the end of
15 clause (v) and inserting “; or”; and

16 (C) by adding at the end the following new
17 clause:

18 “(vi) who fills a vacancy in a Selected Reserve
19 unit at a duty station that is more than 150 miles
20 from the member’s residence, if during the preceding
21 three years the member was involuntarily separated
22 under other than adverse conditions, as character-
23 ized by the Secretary concerned, while assigned to a
24 unit of the Selective Reserve and if that separation

1 was during the period beginning on October 1, 2012,
2 and ending on December 31, 2018.”; and

3 (2) in paragraph (4), by striking “In this” and
4 inserting “Other than in paragraph (2)(B)(vi), in
5 this”.

6 **TITLE VII—HEALTH CARE** 7 **PROVISIONS**

8 **SEC. 701. REVISIONS TO TRICARE COST SHARING REQUIRE-** 9 **MENTS.**

10 (a) REVISION OF ANNUAL ENROLLMENT FEES.—
11 Section 1097(e)(2) of title 10, United States Code, is
12 amended to read as follows:

13 “(2)(A) Beginning October 1, 2012, the annual en-
14 rollment fees referred to in paragraph (1)—

15 “(i) may not be increased for a survivor of a
16 member of the uniformed services who dies while on
17 active duty, or a person retired under chapter 61 of
18 this title or the dependents of such person; and

19 “(ii) for an individual enrollment, shall be one-
20 half of the amount for a family enrollment.

21 “(B) Beginning October 1, 2012, such annual enroll-
22 ment fees shall have three Tiers, as follows:

23 “(i) Tier 1, which shall be applicable to former
24 members (or their survivors) with retired pay (or in
25 the case of survivors, annuity under the Survivor

1 Benefits Plan under chapter 73 of this title) in 2012
2 less than \$22,590.

3 “(ii) Tier 2, which shall be applicable to former
4 members (or their survivors) with retired pay (or in
5 the case of survivors, annuity under the Survivor
6 Benefits Plan under chapter 73 of this title) in 2012
7 between \$22,590 and \$45,178 inclusive.

8 “(iii) Tier 3, which shall be applicable to former
9 members (or their survivors) with retired pay (or in
10 the case of survivors, annuity under the Survivor
11 Benefits Plan under chapter 73 of this title) in 2012
12 more than \$45,178.

13 “(C) Each amount specified in subparagraph (B)
14 shall be adjusted in subsequent years by the cost of living
15 adjustment applied to retired pay. In subsequent years,
16 tier placement will be based on retired pay or annuity dur-
17 ing the calendar year in which the fiscal year starts. For
18 purposes of applying subparagraph (B), the amount of re-
19 tired pay or annuity determined to be received by any eli-
20 gible beneficiary under this section and any other tier
21 placement issues under this section shall be determined
22 by the Secretary of Defense.

23 “(D) The annual family enrollment fee by fiscal year
24 referred to in paragraph (1), based upon the Tiers deter-
25 mined under subparagraphs (B) and (C), is the following:

1 “(i) For 2013, \$600 for Tier 1, \$720 for Tier
2 2, and \$820 for Tier 3.

3 “(ii) For 2014, \$680 for Tier 1, \$920 for Tier
4 2, and \$1,120 for Tier 3.

5 “(iii) For 2015, \$760 for Tier 1, \$1,185 for
6 Tier 2, and \$1,535 for Tier 3.

7 “(iv) For 2016, \$850 for Tier 1, \$1,450 for
8 Tier 2, and \$1,950 for Tier 3.

9 “(v) For years after 2016, the amount for
10 2016, indexed by the National Health Expenditures
11 per capita rate, as established by the Secretary of
12 Health and Human Services.”.

13 (b) ESTABLISHMENT OF ANNUAL ENROLLMENT FEE
14 FOR CERTAIN TRICARE STANDARD BENEFICIARIES.—
15 Section 1086(b)(1) of such title is amended to read as fol-
16 lows:

17 “(1) Beginning October 1, 2012, an annual en-
18 rollment fee, which shall be a precondition to cov-
19 erage under this section (including coverage that
20 provides for discounts on cost-sharing for using
21 TRICARE network providers) and section 1074g,
22 except that such fee shall not apply to persons de-
23 scribed in paragraph (5) or in subsection (d), or to
24 those covered by an enrollment fee under section

1 1097. The amount of the enrollment fee by fiscal
2 year shall be:

3 “(A) in 2013, \$70 for an individual or
4 \$140 for a family group;

5 “(B) in 2014, \$85 for an individual or
6 \$170 for a family group;

7 “(C) in 2015, \$100 for an individual or
8 \$200 for a family group;

9 “(D) in 2016, \$115 for an individual or
10 \$230 for a family group;

11 “(E) in 2017, \$130 for an individual or
12 \$250 for a family group; and

13 “(F) after 2017, the amounts for 2017 ad-
14 justed based on the National Health Expendi-
15 tures per capita rate, as established by the Sec-
16 retary of Health and Human Services.”.

17 (c) REVISION OF ANNUAL DEDUCTIBLE AMOUNTS.—

18 (1) Section 1086(b)(2) of such title is amended to read
19 as follows:

20 “(2) An annual deductible amount applicable to
21 the charges for all types of care authorized by this
22 section and received while in an outpatient status
23 and 25 percent of the additional charges for such
24 care during a year. The annual deductible amount,

1 except for persons described in paragraph (5), by
2 fiscal year shall be:

3 “(A) in 2013, \$160 for an individual or
4 \$320 for a family group;

5 “(B) in 2014, \$200 for an individual or
6 \$400 for a family group;

7 “(C) in 2015, \$230 for an individual or
8 \$460 for a family group;

9 “(D) in 2016, \$260 for an individual or
10 \$520 for a family group;

11 “(E) in 2017, \$290 for an individual or
12 \$580 for a family group; and

13 “(F) after 2017, the amounts for 2017 ad-
14 justed based on the National Health Expendi-
15 tures per capita rate, as established by the Sec-
16 retary of Health and Human Services.”.

17 (2) Such subsection is further amended by adding at
18 the end the following new paragraph:

19 “(5) Paragraphs (1), (2), and (4)(B) shall not
20 apply to a survivor of a member of the uniformed
21 services who died while on active duty or to a person
22 retired under chapter 61 of this title or the depend-
23 ents of such person. For such individuals—

24 “(A) there is no annual enrollment fee;

1 “(B) the deductible amounts in effect in
2 fiscal year 2012 shall remain in effect; and

3 “(C) the maximum payment amount re-
4 ferred to in paragraph (4)(A) shall remain in
5 effect.”.

6 (d) ESTABLISHMENT OF ANNUAL ENROLLMENT FEE
7 FOR TRICARE FOR LIFE BENEFICIARIES.—Section
8 1086(d)(3) of such title is amended by adding at the end
9 the following new subparagraph:

10 “(D) A person described in paragraph (2) (ex-
11 cept a person described in clause (i) of this subpara-
12 graph), shall pay an annual fiscal year enrollment
13 fee as an additional condition of eligibility for health
14 care benefits under this section.

15 “(i) The annual enrollment fee shall not be
16 charged to a survivor of a member of the uni-
17 formed services who died while on active duty,
18 or to a person retired under chapter 61 of this
19 title or the dependents of such person.

20 “(ii) The annual enrollment fee shall have
21 three Tiers, with Tier 1 applicable to former
22 members (or their survivors) with retired pay
23 (or in the case of survivors, annuity under the
24 Survivor Benefits Plan under chapter 73 of this
25 title) in 2012 less than \$22,590, Tier 2 between

1 \$22,590 and \$45,178 (inclusive), and Tier 3
2 more than \$45,178.

3 “(iii) Each of the amounts in clause (ii)
4 shall be adjusted in subsequent years by the
5 cost of living adjustment applied to retired pay.

6 “(iv) Tier placement in years after 2012
7 shall be based on retired pay or annuity during
8 the calendar year in which the fiscal year
9 starts.

10 “(v) For purposes of tier placement, the
11 amount of retired pay or annuity determined to
12 be received by any eligible beneficiary under
13 this subparagraph, and any other tier place-
14 ment issues under this section shall be deter-
15 mined by the Secretary of Defense.

16 “(vi) In 2013 the enrollment fee for an in-
17 dividual shall be \$35 for Tier 1, \$75 for Tier
18 2, and \$115 for Tier 3.

19 “(vii) In 2014 the enrollment fee for an in-
20 dividual shall be \$75 for Tier 1, \$150 for Tier
21 2, and \$225 for Tier 3.

22 “(viii) In 2015 the enrollment fee for an
23 individual shall be \$115 for Tier 1, \$225 for
24 Tier 2, and \$335 for Tier 3.

1 “(ix) In 2016 the enrollment fee for an in-
2 dividual shall be \$150 for Tier 1, \$300 for Tier
3 2, and \$450 for Tier 3.

4 “(x) In subsequent years, the enrollment
5 fee for an individual shall be the amount in
6 2016, indexed by the National Health Expendi-
7 tures per capita rate, as established by the Sec-
8 retary of Health and Human Services.”.

9 (e) REVISIONS TO CATASTROPHIC CAP.—Section
10 1086(b)(4) of such title is amended—

11 (1) by inserting “(A)” after “(4)”; and

12 (2) by adding at the end the following new sub-
13 paragraph:

14 “(B) Beginning October 1, 2012, the amount
15 referred to in subparagraph (A) shall be adjusted
16 based on the National Health Expenditures per cap-
17 ita rate, as established by the Secretary of Health
18 and Human Services, and shall not include enroll-
19 ment fees under this chapter.”.

20 (f) REVISIONS TO TRICARE PHARMACY PROGRAM
21 REQUIREMENTS.—(1) Section 1074g(a)(5) of such title is
22 amended by striking “at least one of the means described
23 in paragraph (2)(E)” and inserting “the national mail
24 order pharmacy program”.

1 (2) Section 1074g(a)(6) of such title is amended by
 2 adding at the end the following new subparagraph:

3 “(C)(i) Notwithstanding any limitation in subpara-
 4 graph (A) and subject to clause (iv), the generally applica-
 5 ble cost sharing amounts specified in the following table
 6 shall apply in the years 2013 through 2021.

	“Retail Generic	Retail Formulary	Mail Order Generic	Mail Order Formulary	Mail Order Non-For- mulary
2013	\$5	\$26	\$0	\$26	\$51
2014	\$6	\$28	\$0	\$28	\$54
2015	\$7	\$30	\$0	\$30	\$58
2016	\$8	\$32	\$0	\$32	\$62
2017	\$9	\$34	\$9	\$34	\$66
2018	\$10	\$36	\$10	\$36	\$70
2019	\$11	\$38	\$11	\$38	\$75
2020	\$12	\$40	\$12	\$40	\$80
2021	\$13	\$43	\$13	\$43	\$85

7 “(ii) The amounts specified in the table in clause (i)
 8 for retail dispensing refer to dispensing in retail network
 9 pharmacies for prescriptions for up to a 30-day supply.
 10 The amounts specified for mail order dispensing are for
 11 an up to 90-day supply.

12 “(iii) The amounts specified in the table in clause (i)
 13 shall be adjusted by the Secretary for years after 2021
 14 based on changes (as determined by the Secretary) in the

1 costs of pharmaceutical agents and prescription dis-
 2 pensing, rounded to the nearest dollar.

3 “(iv) A cost-sharing amount under this subparagraph
 4 shall not apply to a survivor of a member of the uniformed
 5 services who died while on active duty, or to a person re-
 6 tired under chapter 61 of this title or the dependents of
 7 such person. For such individuals, the amounts in effect
 8 during fiscal year 2012 shall remain in effect.”

9 (g) EFFECTIVE DATE AND REGULATIONS.—This sec-
 10 tion shall take effect October 1, 2012. The Secretary of
 11 Defense may issue an interim final rule or take such other
 12 action as necessary to ensure implementation as of that
 13 date. Such action may include presumptive enrollment for
 14 designated beneficiaries (subject to declination) and auto-
 15 matic deduction from retired pay or annuity of enrollment
 16 fee amounts.

17 **SEC. 702. REQUIREMENT FOR MEDICARE PARTICIPATING**
 18 **PHYSICIAN OR SUPPLIER TO ACCEPT**
 19 **TRICARE AND VETERANS AFFAIRS PARTICI-**
 20 **PATING RATES.**

21 Section 1842(h)(1) of the Social Security Act (42
 22 U.S.C. 1395u(h)(1)) is amended by adding at the end the
 23 following new sentence: “Any physician or supplier who
 24 voluntarily enters into an agreement with the Secretary
 25 to become a participating physician or supplier shall be

1 deemed to have agreed to be a participating provider of
2 medical care or services under any health plan contracted
3 for under section 1079 or 1086 of title 10, United States
4 Code, or under section 1781 of title 38, United States
5 Code, in accordance with the payment methodology and
6 amounts prescribed under joint regulations prescribed by
7 the Secretary, the Secretary of Defense, and the Secretary
8 of Homeland Security pursuant to sections 1079 and 1086
9 of title 10, United States Code.”.

10 **SEC. 703. AUTHORITY FOR AUTOMATIC ENROLLMENT IN**

11 **TRICARE PRIME OF DEPENDENTS OF MEM-**

12 **BERS IN PAY GRADES ABOVE PAY GRADE E-**

13 **4.**

14 Subsection (a) of section 1097a of title 10, United
15 States Code, is amended to read as follows:

16 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-

17 PENDENTS.—(1) In the case of a dependent of a member

18 of the uniformed services who is entitled to medical and

19 dental care under section 1076(a)(2)(A) of this title and

20 resides in an area in which TRICARE Prime is offered,

21 the Secretary—

22 “(A) shall automatically enroll the dependent in

23 TRICARE Prime if the member is in pay grade E-

24 4 or below; and

1 “(B) may automatically enroll the dependent in
2 TRICARE Prime if the member is in pay grade E–
3 5 or higher.

4 “(2) Whenever a dependent of a member is enrolled
5 in TRICARE Prime under paragraph (1), the Secretary
6 concerned shall provide written notice of the enrollment
7 to the member.

8 “(3) The enrollment of a dependent of the member
9 may be terminated by the member or the dependent at
10 any time.”.

11 **SEC. 704. EXCLUSION FROM AUTHORIZED MEDICAL CARE**
12 **FOR DEPENDENTS OF MATERNITY CARE FOR**
13 **FEE-BASIS SURROGATE PREGNANCIES.**

14 Section 1077(b) of title 10, United States Code, is
15 amended by adding at the end the following new para-
16 graph:

17 “(4) Maternity care for fee-basis surrogate
18 pregnancies.”.

19 **SEC. 705. EXTENSION OF TRICARE STANDARD COVERAGE**
20 **AND TRICARE DENTAL PROGRAM FOR MEM-**
21 **BERS OF THE SELECTED RESERVE WHO ARE**
22 **INVOLUNTARILY SEPARATED.**

23 (a) EXTENSION OF TRICARE STANDARD COV-
24 ERAGE.—Section 1076d(b) of title 10, United States
25 Code, is amended—

1 (1) striking “if the physician, dentist, nurse,
2 pharmacist, or paramedical” and inserting “to such
3 a physician, dentist, nurse, pharmacist, or para-
4 medical”;

5 (2) striking “involved is”; and

6 (3) inserting before the period at the end the
7 following: “or a subcontract at any tier under such
8 a contract”.

9 **SEC. 707. MODIFICATIONS TO REQUIREMENT FOR SEC-**
10 **RETARY OF DEFENSE TO CONDUCT MENTAL**
11 **HEALTH ASSESSMENTS FOR MEMBERS OF**
12 **THE ARMED FORCES DEPLOYED IN CONNEC-**
13 **TION WITH A CONTINGENCY OPERATION.**

14 (a) **TIMING OF MENTAL HEALTH ASSESSMENTS.**—
15 Subsection (a)(1) of section 1074m of title 10, United
16 States Code, is amended in subparagraph (C)(i) by strik-
17 ing “one year” and inserting “18 months”.

18 (b) **EXCLUSION OF CERTAIN MEMBERS.**—Subsection
19 (a)(2) of such section is amended—

20 (1) by striking “subparagraphs (B) and (C)
21 of”; and

22 (2) By striking “determines that—” and all
23 that follows and inserting “determines—

24 “(A) in the case of an assessment other-
25 wise required under subparagraph (A) of that

1 paragraph, that the member will not be sub-
2 jected or exposed to operational risk factors
3 during deployment in the contingency operation
4 concerned;

5 “(B) in the case of an assessment other-
6 wise required under subparagraph (B) or (C) of
7 that paragraph, that the member was not sub-
8 jected or exposed to operational risk factors
9 during deployment in the contingency operation
10 concerned; or

11 “(C) in the case of any assessment other-
12 wise required under that paragraph, that pro-
13 viding such assessment to the member during
14 the otherwise applicable time period under such
15 paragraph would remove the member from for-
16 ward deployment or would put members or
17 operational objectives at risk.”.

18 **SEC. 708. INCLUSION OF CERTAIN OVER-THE-COUNTER**
19 **DRUGS IN TRICARE UNIFORM FORMULARY.**

20 (a) INCLUSION.—Subsection (a)(2) of section 1074g
21 of title 10, United States Code, is amended—

22 (1) in subparagraph (D), by striking “No phar-
23 maceutical agent may be excluded” and inserting
24 “Except as provided in subparagraph (F), no phar-
25 maceutical agent may be excluded”; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(F)(i) The Secretary may implement procedures to
4 place selected over-the-counter drugs on the uniform for-
5 mulary and to make such drugs available to eligible cov-
6 ered beneficiaries. An over-the-counter drug may be in-
7 cluded on the uniform formulary only if the Pharmacy and
8 Therapeutics Committee established under subsection (b)
9 finds that the over-the-counter drug is cost-effective and
10 clinically effective. If the Pharmacy and Therapeutics
11 Committee recommends an over-the-counter drug for in-
12 clusion on the uniform formulary, the drug shall be consid-
13 ered to be in the same therapeutic class of pharmaceutical
14 agents, as determined by the Committee, as similar pre-
15 scription drugs.

16 “(ii) Regulations prescribed by the Secretary to carry
17 out clause (i) shall include the following with respect to
18 over-the-counter drugs included on the uniform formulary:

19 “(I) A determination of the means and condi-
20 tions under paragraphs (5) and (6) of this section
21 through which over-the-counter drugs will be avail-
22 able to eligible covered beneficiaries and the amount
23 of cost share that such beneficiaries will be required
24 to pay for over-the-counter drugs, except that no

1 such cost share may be required for a member of a
2 uniformed service on active duty.

3 “(II) Any terms and conditions for the dis-
4 pensing of over-the-counter drugs to eligible covered
5 beneficiaries.”.

6 (b) DEFINITIONS.—Subsection (g) of such section is
7 amended by adding at the end the following new para-
8 graphs:

9 “(3) The term ‘over-the-counter drug’ means a
10 drug that is not subject to section 503(b) of the
11 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
12 353(b)).

13 “(4) The term ‘prescription drug’ means a drug
14 that is subject to section 503(b) of the Federal
15 Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”.

16 (c) TECHNICAL AMENDMENTS.—

17 (1) CROSS-REFERENCE AMENDMENTS.—Sub-
18 sections (a)(6)(A) and (b)(1) of such section are
19 amended by striking “subsection (g)” and inserting
20 “subsection (h)”.

21 (2) REPEAL OF OBSOLETE PROVISIONS.—

22 (A) Subsection (a)(2)(D) of such section is
23 amended by striking the last sentence.

24 (B) Subsection (b)(2) of such section is
25 amended by striking “Not later than” and all

1 that follows through “such 90-day period, the
2 committee” and inserting “The committee”.

3 (C) Subsection (d)(2) of such section is
4 amended—

5 (i) by striking “Effective not later
6 than April 5, 2000, the Secretary” and in-
7 serting “The Secretary”; and

8 (ii) by striking “the current managed
9 care support contracts” and inserting “the
10 managed care support contracts current as
11 of October 5, 1999,”

12 **TITLE VIII—ACQUISITION POL-**
13 **ICY, ACQUISITION MANAGE-**
14 **MENT, AND RELATED MAT-**
15 **TERS**

16 **SEC. 801. REDUCTION IN REQUIREMENTS FOR SUBMISSION**
17 **OF SELECTED ACQUISITION REPORTS FOR**
18 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

19 Section 2432(g) of title 10, United States Code, is
20 amended by striking “90 percent” both places it appears
21 and inserting “75 percent”.

1 **SEC. 802. AUTHORIZATION FOR ENTERING INTO**
2 **MULTIYEAR CONTRACTS WITH FEDERALLY**
3 **FUNDED RESEARCH AND DEVELOPMENT**
4 **CENTERS.**

5 Section 2367 of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(e) ADMINISTRATION OF CENTERS.—(1) The head
9 of an agency may enter into multiyear contracts with fed-
10 erally funded research and development centers with which
11 the agency has a sponsoring agreement. Any such contract
12 may be for a term not to exceed five years, consistent with
13 the sponsoring agreement of the Department of Defense
14 with such center.

15 “(2) The head of an agency that enters into a spon-
16 soring agreement with a federally funded research and de-
17 velopment center—

18 “(A) shall include in the sponsoring agreement,
19 or in applicable contracts with that center, provi-
20 sions—

21 “(i) for the orderly termination or non-
22 renewal of the center; and

23 “(ii) upon such termination or nonrenewal,
24 for disposal of assets, and settlement of liabil-
25 ities, of the center; and

1 “(B) may include in the sponsoring agreement,
2 or in applicable contracts with that center, provi-
3 sions—

4 “(i) for special close-out costs, cancellation
5 costs, termination costs and other types of ex-
6 penses that may be incurred at the end of spon-
7 sorship; and

8 “(ii) for transfer of title to, or liquidation
9 of, the proceeds of sale or transfer of any prop-
10 erty held by the center for the benefit of the
11 Government.

12 “(3) In this subsection, the term ‘head of an agency’
13 has the meaning given that term in subsection (c)(2).”.

14 **SEC. 803. AUTHORITY FOR THE SECRETARY OF DEFENSE**
15 **TO PROVIDE FEE-FOR-SERVICE INSPECTION**
16 **AND TESTING BY THE DEFENSE CONTRACT**
17 **MANAGEMENT AGENCY FOR CERTAIN CRIT-**
18 **ICAL EQUIPMENT IN THE ABSENCE OF A PRO-**
19 **CUREMENT CONTRACT.**

20 (a) **AUTHORITY.**—Section 2539b of title 10, United
21 States Code, is amended—

22 (1) In subsection (a)—

23 (A) by striking “and” at the end of para-
24 graph (3);

1 (B) by striking the period at the end of
2 paragraph (4) and inserting “; and”; and

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

5 “(5) make available to any person or entity, in
6 advance of the award of a procurement contract,
7 through contracts or other appropriate arrangements
8 and subject to subsection (e), the services of the De-
9 fense Contract Management Agency for testing and
10 inspection of items when such testing and inspection
11 is determined by the Secretary to be critical to a
12 specific program of the Department of Defense.”;
13 and

14 (2) by adding at the end the following new sub-
15 section:

16 “(e) DCMA SERVICES.—Services of the Defense
17 Contract Management Agency may be made available
18 under subsection (a)(5) only if the contract or other ar-
19 rangement for those services—

20 “(1) holds the United States harmless if the
21 items covered by the contract or other arrangement
22 (whether or not tested and inspected under the con-
23 tract or other arrangement) are not subsequently or-
24 dered by or delivered to the United States under a

1 procurement contract entered into after the contract
2 or other arrangement is entered into; and

3 “(2) holds the United States harmless against
4 any claim arising out of the inspection and testing,
5 or the use in any commercial application, of the
6 equipment tested and inspected by the Defense Con-
7 tract Management Agency under the contract or
8 other arrangement.”.

9 (b) FEES.—Subsection (c) of such section is amend-
10 ed—

11 (1) by striking “and (a)(4)” in the first sen-
12 tence and inserting “, (a)(4), and (a)(5)”;

13 (2) by inserting “, travel, and other incidental
14 overhead expenses” in the second sentence after
15 “salaries”; and

16 (3) by inserting “or inspection” before the pe-
17 riod at the end of the second sentence.

18 (c) USE OF FEES.—Subsection (d) of such section
19 is amended by striking “and (a)(4)” and inserting “,
20 (a)(4), and (a)(5)”.

1 **SEC. 804. ELIMINATION OF CONTINUOUS-DAYS-OF-SESSION**
2 **REQUIREMENT FOR CONGRESSIONAL NOTI-**
3 **FICATION OF THE LEASE OF CERTAIN VES-**
4 **SELS BY THE DEPARTMENT OF DEFENSE.**

5 Section 2401(h)(2) of title 10, United States Code,
6 is amended by striking “of continuous session of Con-
7 gress”.

8 **SEC. 805. DISESTABLISHMENT OF DEFENSE MATERIEL**
9 **READINESS BOARD.**

10 (a) **DISESTABLISHMENT OF BOARD.**—The Defense
11 Materiel Readiness Board established pursuant to section
12 871 of the National Defense Authorization Act for Fiscal
13 Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is
14 hereby disestablished.

15 (b) **TERMINATION OF DEFENSE STRATEGIC READI-**
16 **NESS FUND.**—The Defense Strategic Readiness Fund es-
17 tablished by section 872(d) of the National Defense Au-
18 thorization Act for Fiscal Year 2008 (Public Law 110–
19 181; 10 U.S.C. 117 note) is hereby closed.

20 (c) **REPEAL.**—Subtitle G of title VIII of the National
21 Defense Authorization Act for Fiscal Year 2008 (Public
22 Law 110–181; 10 U.S.C. 117 note) is repealed.

1 **SEC. 806. REVISION TO DEFINITION OF TERM “COMMER-**
2 **CIAL ITEM” FOR PURPOSES OF FEDERAL**
3 **PROCUREMENT STATUTES PROVIDING PRO-**
4 **CEDURES FOR PROCUREMENT OF COMMER-**
5 **CIAL ITEMS.**

6 (a) **ELIMINATION OF “OF A TYPE” CRITERION.—**
7 Section 103 of title 41, United States Code, is amended
8 by striking “of a type” in paragraphs (1)(A), (3)(A), and
9 (4).

10 (b) **ELIMINATION OF ITEMS AND SERVICES MERELY**
11 **OFFERED FOR SALE, LEASE, OR LICENSE.—**

12 (1) **ITEMS.—**Paragraph (1)(B) of such section
13 is amended by striking “, or offered for sale, lease,
14 or license,”.

15 (2) **SERVICES.—**Paragraph (6) of such section
16 is amended by striking “offered and”.

17 (c) **ADJUSTMENT OF THRESHOLD RELATING TO**
18 **PRIOR SALES.—**Paragraphs (6) and (8) of such section
19 are amended by striking “substantial quantities” and in-
20 serting “like quantities”.

1 **SEC. 807. TREATMENT OF REVIEWS OF PROGRAMS EXPERI-**
2 **ENCING CRITICAL COST GROWTH WHEN**
3 **COST GROWTH IS PRIMARILY DUE TO QUAN-**
4 **TITY CHANGES.**

5 Section 2433a(c)(3)(A) of title 10, United States
6 Code, is amended by striking “subparagraphs (B) and
7 (C)” and inserting “subparagraphs (B), (C), and (E)”.

8 **SEC. 808. CHANGE IN AUTHORITIES RELATING TO SCOPE**
9 **OF WORK VARIATIONS.**

10 Section 2853(b) of title 10, United States Code, is
11 amended—

12 (1) in paragraph (2), by striking “The scope of
13 work” and inserting “Except as provided in para-
14 graph (3), the scope of work”; and

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

17 “(3) The scope of work for a military construction
18 project or for the construction, improvement, and acquisi-
19 tion of a military family housing project may be increased
20 by not more than 5 percent if the Secretary concerned de-
21 termines that such increase is necessary to accommodate
22 revised design criteria or new technologies not available
23 at the time of budget submission, but only if the increase
24 in the scope of work does not change the function of the
25 project.”.

1 **SEC. 809. TREATMENT OF PROCUREMENTS ON BEHALF OF**
2 **THE DEPARTMENT OF DEFENSE IN ACCORD-**
3 **ANCE WITH THE DEPARTMENT OF ENERGY'S**
4 **WORK FOR OTHERS PROGRAM.**

5 (a) EXEMPTION FROM INSPECTOR GENERAL RE-
6 VIEWS AND DETERMINATIONS.—Subsection (a) of section
7 801 of the National Defense Authorization Act for Fiscal
8 Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note)
9 is amended by adding at the end the following new para-
10 graph:

11 “(7) TREATMENT OF PROCUREMENTS
12 THROUGH THE DEPARTMENT OF ENERGY.—For
13 purposes of this subsection, the procurement of any
14 property or services on behalf of the Department of
15 Defense pursuant to an interagency agreement be-
16 tween the Department of Defense and the Depart-
17 ment of Energy in accordance with the Department
18 of Energy’s Work For Others Program, where the
19 property or services are provided by a Management
20 and Operating contractor of the Department of En-
21 ergy, and are procured on behalf of the Department
22 of Defense, shall not be considered a procurement of
23 property or services on behalf of the Department of
24 Defense by a covered non-defense agency.”.

1 (b) EXEMPTION FROM CERTAIN CERTIFICATION RE-
2 QUIREMENTS.—Subsection (b) of such section is amend-
3 ed—

4 (1) in paragraph (1), by striking “paragraph
5 (2)” and inserting “paragraphs (2) and (4)”; and

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

8 “(4) EXCEPTION FOR PROCUREMENTS IN AC-
9 CORDANCE WITH THE DEPARTMENT OF ENERGY’S
10 WORK FOR OTHERS PROGRAM.—The limitation in
11 paragraph (1) shall not apply to the procurement of
12 any property and services on behalf of the Depart-
13 ment of Defense pursuant to an interagency agree-
14 ment between the Department of Defense and the
15 Department of Energy in accordance with the De-
16 partment of Energy’s Work for Others Program,
17 where the property or services are provided by a
18 Management and Operating contractor of the De-
19 partment of Energy and procured on behalf of the
20 Department of Defense.”.

1 **SEC. 810. ENHANCEMENT OF REVIEW OF ACQUISITION**
2 **PROCESS FOR RAPID FIELDING OF CAPABILI-**
3 **TIES IN RESPONSE TO URGENT OPER-**
4 **ATIONAL NEEDS.**

5 Section 804(b)(3) of the Ike Skelton National De-
6 fense Authorization Act for Fiscal Year 2011 (Public Law
7 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amend-
8 ed—

9 (1) by inserting “and” at the end of subpara-
10 graph (B);

11 (2) by striking “; and” at the end of subpara-
12 graph (C) and inserting a period; and

13 (3) by striking subparagraph (D).

14 **SEC. 811. REPEAL OF APPLICATION OF REQUIREMENT TO**
15 **REVIEW ONGOING PROGRAMS INITIATED**
16 **PRIOR TO CERTIFICATION UNDER SECTION**
17 **2366B OF TITLE 10, UNITED STATES CODE.**

18 Subsection (b) of section 205 of the Weapon Systems
19 Acquisition Reform Act of 2009 (Public Law 111–23; 123
20 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

21 **SEC. 812. PERMANENT AUTHORITY FOR USE OF SIM-**
22 **PLIFIED ACQUISITION PROCEDURES FOR**
23 **CERTAIN COMMERCIAL ITEMS.**

24 Section 4202 of the Clinger-Cohen Act of 1996 (divi-
25 sion D of Public Law 104–106; 10 U.S.C. 2304 note) is
26 amended by striking subsection (e).

1 **SEC. 813. SPECIAL EMERGENCY PROCUREMENT AUTHOR-**
2 **ITY FOR DOMESTIC EMERGENCY OPER-**
3 **ATIONS.**

4 Section 1903(a) of title 41, United States Code, is
5 amended—

6 (1) by striking “or” at the end of paragraph
7 (1);

8 (2) by striking the period at the end of para-
9 graph (2) and inserting “; or”; and

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

12 “(3) in support of a declared emergency or
13 major disaster (as defined in paragraphs (1) and
14 (2), respectively, of section 102 of the Robert T.
15 Stafford Disaster Relief and Emergency Assistance
16 Act (42 U.S.C. 5122)).”.

17 **SEC. 814. DEFENSE COALITION REPAIR FUND.**

18 (a) **ESTABLISHMENT.**—There is established in the
19 Treasury of the United States the Defense Coalition Re-
20 pair Fund (in this section referred to as the “Fund”), con-
21 sisting of amounts credited to the Fund pursuant to sub-
22 section (e).

23 (b) **ADMINISTRATION.**—The Fund shall be adminis-
24 tered by the Secretary of Defense.

1 (c) OBJECTIVE.—The objective of the Fund shall be
2 to support the sale, transfer, or distribution of defense ar-
3 ticles to coalition partners and allied or friendly nations.

4 (d) USE OF AMOUNTS.—

5 (1) AUTHORITY.—In pursuit of the objective
6 stated in subsection (c), the Secretary of Defense
7 may authorize the Secretaries of the military depart-
8 ments to expend amounts from the Fund to repair,
9 overhaul, or refurbish in-stock defense articles before
10 distribution of those articles to coalition partners, or
11 allied and friendly nations, in accordance with—

12 (A) the Arms Export Control Act (22
13 U.S.C. 2751 et seq.);

14 (B) the Foreign Assistance Act of 1961
15 (22 U.S.C. 2151 et seq.); or

16 (C) any other provision of law authorizing
17 such distributions.

18 (2) SECRETARY OF STATE CONCURRENCE RE-
19 QUIRED FOR DISTRIBUTION TO FOREIGN COUN-
20 TRIES.—In addition to any otherwise applicable re-
21 quirements of law, in the case of any distribution of
22 such repaired, overhauled, or refurbished articles
23 under a provision of law referred to in paragraph
24 (1)(C) that does not otherwise require the concur-
25 rence of the Secretary of State for such a distribu-

1 tion, the distribution may be made only with the
2 concurrence of the Secretary of State.

3 (e) CREDITS TO THE FUND.—The following shall be
4 credited to the Fund:

5 (1) At the discretion of the Secretary of De-
6 fense, up to \$50,000,000 per year of operation and
7 maintenance funds made available to the Depart-
8 ment of Defense in annual defense appropriations
9 Acts. Amounts transferred under this paragraph
10 shall be merged with funds otherwise made available
11 under this section and remain available until ex-
12 pended.

13 (2) Notwithstanding section 114(c) of title 10,
14 United States Code, any collection from the sale or
15 transfer of defense articles from Department of De-
16 fense stocks repaired, overhauled, or refurbished
17 with amounts from the Fund that are not intended
18 to be replaced and that is made pursuant to section
19 21(a)(1)(A) of the Arms Export Control Act (22
20 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act
21 of 1961, or other law, but not to exceed the actual
22 value thereof.

23 (3) Amounts authorized and appropriated, or
24 otherwise made available, to the Fund.

1 (f) EXCESS PROCEEDS CREDITED TO THE SPECIAL
2 DEFENSE ACQUISITION FUND.—

3 (1) Amounts credited to the Fund pursuant to
4 subsection (e)(2) shall be limited to the amount of
5 the cost incurred to repair, overhaul, or refurbish
6 such defense articles under subsection (d)(1).

7 (2) Amounts from sales or transfers of defense
8 articles described in subsection (e)(2) that exceed
9 the amounts described in paragraph (1) shall be
10 credited to the Special Defense Acquisition Fund es-
11 tablished pursuant to chapter 5 of the Arms Export
12 Control Act (22 U.S.C. 2795 et seq.).

13 (g) TRANSFERS TO OTHER ACCOUNTS.—Amounts in
14 the Fund may be transferred to any Department of De-
15 fense appropriation used to carry out activities that will
16 further the objective stated in subsection (c). Any amount
17 so transferred shall be merged with the appropriation to
18 which transferred and shall be available for the same pur-
19 poses and the same time period as the appropriation to
20 which transferred.

21 (h) TRANSFERS FROM OTHER ACCOUNTS.—Upon a
22 determination by the Secretary of Defense with respect to
23 an amount transferred under subsection (g) that all or
24 part of such transfer is not necessary for the purposes
25 provided, such amount may be transferred back to the

1 Fund and remain available for the objective stated in sub-
2 section (c) notwithstanding the expiration of the period
3 of obligation.

4 (i) DEFINITIONS.—In this section:

5 (1) The term “coalition partner” means a for-
6 eign country or international organization des-
7 ignated by the Secretary of Defense.

8 (2) The term “defense article” has the meaning
9 given that term in paragraph (3) of section 47 of the
10 Arms Export Control Act (22 U.S.C. 2794).

11 (j) EXPIRATION OF AUTHORITY.—The authority to
12 use amounts in the Fund to repair, overhaul, or refurbish
13 defense articles under this section shall expire on Sep-
14 tember 30, 2015.

15 (k) EVALUATION.—Not later than February 1, 2015,
16 the Secretary of Defense shall submit to the congressional
17 defense committees a report on the operation of this sec-
18 tion. The report shall include an evaluation of the effec-
19 tiveness of the authority provided by this section in meet-
20 ing the objectives stated in subsection (c).

1 **SEC. 815. ENHANCEMENT OF DEPARTMENT OF DEFENSE**
2 **CAPABILITIES TO DETER AND RESPOND TO**
3 **CONTRACTOR FRAUD.**

4 (a) WITHHOLDING OF CONTRACTUAL PAYMENTS.—
5 Subsection (a) of section 2207 of title 10, United States
6 Code, is amended—

7 (1) by striking “unless that contract provides
8 that—” and inserting “unless that contract provides
9 each of the following:”;

10 (2) in paragraph (1)—

11 (A) by inserting “That” after “(1)”; and

12 (B) by striking “; and” and inserting a pe-
13 riod;

14 (3) in paragraph (2), by inserting “That,” after
15 “(2)”; and

16 (4) by inserting after paragraph (2) the fol-
17 lowing new paragraphs:

18 “(3) That with respect to a contract that could
19 have been terminated under paragraph (1) but for
20 the prior completion of the contract’s performance,
21 the United States is entitled to exemplary damages
22 as set forth in paragraph (2), in accordance with the
23 notice and hearing process set forth in paragraph
24 (1).

25 “(4) That the Secretary of a military depart-
26 ment or head of a Defense Agency may, after noti-

1 fying the contractor but pending the determination
2 concerning exemplary damages referred to in para-
3 graph (2), withhold from payments otherwise due to
4 the contractor under any contract between the con-
5 tractor and that military department or Defense
6 Agency an amount that is up to 10 times the cost
7 incurred by the contractor in giving gratuities to the
8 officer, official, or employee concerned, as such cost
9 is estimated by the Secretary.”.

10 (b) RETENTION OF DAMAGES; FRAUD FIGHTING
11 FUNDS.—Such section is further amended—

12 (1) by redesignating subsection (b) as sub-
13 section (c); and

14 (2) by inserting after subsection (a) the fol-
15 lowing new subsection (b):

16 “(b) RETENTION OF DAMAGES; FRAUD FIGHTING
17 FUNDS.—(1) Exemplary damages recovered under sub-
18 section (a)(2), once assessed against a contractor, may be
19 retained by the Secretary of Defense, if assessed by a De-
20 fense Agency, or by the Secretary of the military depart-
21 ment that assessed the damages against the contractor
22 without regard to section 3302 of title 31.

23 “(2) The Secretary of Defense and the Secretaries
24 of the military departments shall each establish a ‘Fraud-
25 Fighting Fund’ (in this section referred to as the ‘Fund’)

1 for use by the Defense Agencies, in the case of the Fund
2 established by the Secretary of Defense, or military de-
3 partment, in the case of a Fund established by the Sec-
4 retary of a military department, which shall be available
5 to provide funds, in addition to funds which may be other-
6 wise available for activities including training, investiga-
7 tions, administrative proceedings, enforcement actions,
8 and other related activities associated with deterring and
9 preventing fraud. Exemplary damages identified in sub-
10 section (a)(2), once assessed against the contractor, shall
11 be paid into the Fund and shall be available until ex-
12 pended.”.

13 (c) BURDEN OF PROOF.—Subsection (a)(1) of such
14 section, as amended by subsection (a), is further amended
15 by inserting “and by a preponderance of the evidence”
16 after “after notice and hearing”.

17 (d) TECHNICAL AMENDMENTS.—Subsection (a) of
18 such section is further amended by striking “clause (1)”
19 in paragraph (2) and in the flush sentence at the end and
20 inserting “paragraph (1)”.

21 (e) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to contracts that are awarded on
23 or after the date that is 90 days after the date of the
24 enactment of this Act.

1 (f) CONFORMING AMENDMENTS.—Section 2410m(a)
2 of title 10, United States Code, is amended—

3 (1) by inserting “or arising from an assessment
4 of exemplary damages under section 2207 of this
5 title,” after “of title 41”;

6 (2) by striking “or” at the end of paragraph
7 (2);

8 (3) by striking the period at the end of para-
9 graph (3) and inserting “; or”; and

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

12 “(4) any determination under section 2207 of
13 this title.”.

14 (g) PROCUREMENT REGULATIONS.—Regulations
15 governing actions under section 2207 shall be revised to
16 implement the amendments to section 2207 of title 10,
17 United States Code, made by this section not later than
18 90 days after the date of the enactment of this Act.

19 **SEC. 816. EXTENSION OF AUTHORITY FOR TASK FORCE FOR**
20 **BUSINESS AND STABILITY OPERATIONS IN**
21 **AFGHANISTAN.**

22 Section 1535(a) of the Ike Skelton National Defense
23 Authorization Act for Fiscal Year 2011 (Public Law 111–
24 383; 124 Stat. 4426), as amended by section 1534 of the
25 National Defense Authorization Act for Fiscal Year 2012

1 (Public Law 112–81; 125 Stat. 1658), is further amend-
2 ed—

3 (1) in the second sentence of paragraph (4)—

4 (A) by striking “The amount of funds
5 used” and inserting “The amount of funds obli-
6 gated”;

7 (B) by inserting “and \$93,000,000 for fis-
8 cal year 2013” after “fiscal year 2012”; and

9 (C) by inserting “for fiscal year 2012”
10 after “except that”; and

11 (2) in paragraph (7)—

12 (A) by striking “provided in” and inserting
13 “to obligate funds for projects under”; and

14 (B) by striking “September 30, 2012” and
15 inserting “September 30, 2013”.

16 **SEC. 817. TIMELINESS RULES FOR FILING BID PROTESTS**

17 **AT THE UNITED STATES COURT OF FEDERAL**
18 **CLAIMS.**

19 (a) **JURISDICTION.**—Paragraph (1) of section
20 1491(b) of title 28, United States Code, is amended—

21 (1) in the first sentence, by striking “Both the”
22 and all the follows through “shall have” and insert-
23 ing “The United States Court of Federal Claims
24 shall have”; and

25 (2) in the second sentence—

1 (A) by striking “Both the” and all that fol-
2 lows through “shall have” and inserting “The
3 United States Court of Federal Claims shall
4 have”; and

5 (B) by striking “is awarded.” and insert-
6 ing “is awarded, but such jurisdiction is subject
7 to time limits as follows:

8 “(A) A protest based upon alleged improprieties
9 in a solicitation that are apparent before bid opening
10 or the time set for receipt of initial proposals shall
11 be filed before bid opening or the time set for receipt
12 of initial proposals. In the case of a procurement
13 where proposals are requested, alleged improprieties
14 that do not exist in the initial solicitation but that
15 are subsequently incorporated into the solicitation
16 shall be protested not later than the next closing
17 time for receipt of proposals following the incorpora-
18 tion. A protest that meets these time limitations that
19 was previously filed with the Comptroller General
20 may not be reviewed.

21 “(B) A protest other than one covered by sub-
22 paragraph (A) shall be filed not later than 10 days
23 after the basis of the protest is known or should
24 have been known (whichever is earlier), with the ex-
25 ception of a protest challenging a procurement con-

1 ducted on the basis of competitive proposals under
2 which a debriefing is requested and, when requested,
3 is required. In such a case, with respect to any pro-
4 test the basis of which is known or should have been
5 known either before or as a result of the debriefing,
6 the initial protest shall not be filed before the de-
7 briefing date offered to the protester, but shall be
8 filed not later than 10 days after the date on which
9 the debriefing is held.

10 “(C) If a timely agency-level protest was pre-
11 viously filed, any subsequent protest to the United
12 States Court of Federal Claims that is filed within
13 10 days of actual or constructive knowledge of initial
14 adverse agency action shall be considered, if the
15 agency-level protest was filed in accordance with
16 subparagraphs (A) and (B), unless the contracting
17 agency imposes a more stringent time for filing the
18 protest, in which case the agency’s time for filing
19 shall control. In a case where an alleged impropriety
20 in a solicitation is timely protested to a contracting
21 agency, any subsequent protest to the United States
22 Court of Federal Claims shall be considered timely
23 if filed within the 10-day period provided by this
24 subparagraph, even if filed after bid opening or the
25 closing time for receipt of proposals.

1 “(D) A protest untimely on its face shall be dis-
2 missed. A protester shall include in its protest all in-
3 formation establishing the timeliness of the protest;
4 a protester shall not be permitted to introduce for
5 the first time in a request for reconsideration infor-
6 mation necessary to establish that the protest was
7 timely. Under no circumstances may the United
8 States Court of Federal Claims consider a protest
9 that is untimely because it was first filed with the
10 Government Accountability Office.”.

11 (b) AVAILABLE RELIEF.—Paragraph (2) of such sec-
12 tion is amended by striking “except that” and inserting
13 “except injunctive relief shall not be combined with mone-
14 tary relief, and”.

15 (c) AGENCY DECISIONS OVERRIDING STAY OF CON-
16 TRACT AWARD OR PERFORMANCE.—Such section is fur-
17 ther amended—

18 (1) by redesignating paragraphs (5) and (6) as
19 paragraphs (6) and (7), respectively; and

20 (2) by inserting after paragraph (4) the fol-
21 lowing new paragraph (5):

22 “(5) The United States Court of Federal Claims shall
23 have jurisdiction to render judgment on an action by an
24 interested party challenging an agency’s decision to over-

1 ride a stay of contract award or contract performance that
 2 would otherwise be required by section 3553 of title 31.”.

3 (d) EFFECTIVE DATE.—The amendments made by
 4 this section shall apply to any cause of action filed 180
 5 days or more after the date of the enactment of this Act.

6 **TITLE IX—DEPARTMENT OF DE-**
 7 **FENSE ORGANIZATION AND**
 8 **MANAGEMENT**

9 **Subtitle A—Intelligence-Related**
 10 **Matters**

11 **SEC. 901. TECHNICAL AMENDMENTS TO REFLECT CHANGE**
 12 **IN NAME OF NATIONAL DEFENSE INTEL-**
 13 **LIGENCE COLLEGE TO NATIONAL INTEL-**
 14 **LIGENCE UNIVERSITY.**

15 (a) CONFORMING AMENDMENTS TO REFLECT NAME
 16 CHANGE.—Section 2161 of title 10, United States Code,
 17 is amended by striking “National Defense Intelligence
 18 College” each place it appears and inserting “National In-
 19 telligence University”.

20 (b) CLERICAL AMENDMENTS.—

21 (1) SECTION HEADING.—The heading of such
 22 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. 902. AUTHORITY TO PROVIDE GEOSPATIAL INTEL-**
 8 **LIGENCE SUPPORT TO CERTAIN SECURITY**
 9 **ALLIANCES AND REGIONAL ORGANIZATIONS.**

10 (a) EXTENSION OF AUTHORITY TO CERTAIN SECUR-
 11 RITY ALLIANCES AND REGIONAL ORGANIZATIONS.—Sec-
 12 tion 443(a) of title 10, United States Code, is amended
 13 by inserting “, regional organizations with defense or secu-
 14 rity components, and security alliances of which the
 15 United States is a member” after “foreign countries”.

16 (b) CLERICAL AMENDMENTS.—

17 (1) SECTION HEADING.—The heading of section 443
 18 of such title is amended to read as follows:

19 **“§ 443. Imagery intelligence and geospatial informa-**
 20 **tion: support for foreign countries and**
 21 **certain security alliances and regional or-**
 22 **ganizations”**

23 (2) TABLE OF SECTIONS.—The item relating to such
 24 section in the table of sections at the beginning of sub-

1 chapter I of chapter 22 of such title is amended to read
2 as follows:

“443. Imagery intelligence and geospatial information: support for foreign countries and certain security alliances and regional organizations.”.

3 **SEC. 903. REVISION OF SECRETARY OF DEFENSE AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES**
4 **AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES AND MILITARY OPERATIONS ABROAD.**

8 (a) EXTENSION OF AUTHORITY TO INCLUDE ACTIVITIES UNDERTAKEN AS SECURITY FOR MILITARY OPERATIONS.—

11 (1) AUTHORITY.—Subsection (a) of section 431 of title 10, United States Code, is amended by inserting “and military operations” after “intelligence collection activities”.

15 (2) CLERICAL AMENDMENTS.—(A) The heading of such section is amended to read as follows:

17 **“§ 431. Authority to engage in commercial activities as security for intelligence collection activities and military operations abroad”.**

20 (B) The item relating to that section in the table of sections at the beginning of subchapter II of chapter 21 of such chapter is amended to read as follows:

“431. Authority to engage in commercial activities as security for intelligence collection activities and military operations abroad.”.

1 (b) REPEAL OF DESIGNATION OF DEFENSE INTEL-
2 LIGENCE AGENCY AS REQUIRED OVERSIGHT AUTHORITY
3 WITHIN DEPARTMENT OF DEFENSE.—Section 436(4) of
4 such title is amended—

5 (1) by striking “within the Defense Intelligence
6 Agency” and inserting “within the Department of
7 Defense”; and

8 (2) by striking “management and supervision”
9 and inserting “oversight”.

10 (c) TECHNICAL AMENDMENTS.—Section 437 of such
11 title is amended—

12 (1) in subsections (a) and (b), by inserting
13 “congressional” before “intelligence committees”;
14 and

15 (2) by adding at the end the following new sub-
16 section:

17 “(c) CONGRESSIONAL INTELLIGENCE COMMITTEES
18 DEFINED.—In this section, the term ‘congressional intel-
19 ligence committees’ has the meaning given that term in
20 section 3 of the National Security Act of 1947 (50 U.S.C.
21 401a)).”.

1 **Subtitle B—Space Activities**

2 **SEC. 911. REVISIONS TO POLICY ON DEVELOPMENT AND**
3 **PROCUREMENT OF UNMANNED SYSTEMS.**

4 (a) REVISION TO REQUIRED POLICY.—Subsection (a)
5 of section 941 of the John Warner National Defense Au-
6 thorization Act for Fiscal Year 2007 (Public Law 109–
7 364; 120 Stat. 2083) is amended—

8 (1) by striking “on” and inserting “for the con-
9 duct of”;

10 (2) by striking “procurement, and operation”
11 and inserting “and for the conduct of procure-
12 ment,”;

13 (3) by inserting “manned and” before “un-
14 manned systems”; and

15 (4) by inserting “in a manner that is fiscally re-
16 sponsible and enhances warfighter capability” before
17 the period at the end.

18 (b) MODIFICATION TO ELEMENTS OF POLICY.—Sub-
19 section (b) of such section is amended—

20 (1) by striking paragraphs (1) and (2) and in-
21 serting the following new paragraphs:

22 “(1) An identification of those Department of
23 Defense capabilities for which manned and un-
24 manned systems may address potential needs.

1 “(2) A thorough and objective consideration of
2 the acquisition of manned and unmanned systems
3 whenever a new system is to be acquired to meet a
4 capability requirement.”;

5 (2) in paragraph (5), by striking “, including”
6 and all that follows through “on unmanned sys-
7 tems”; and

8 (3) in paragraph (6), by striking “missions”
9 and inserting “capabilities”.

10 (c) ROADMAP.—Such section is further amended—

11 (1) by striking subsection (d);

12 (2) by redesignating subsection (c) as sub-
13 section (d);

14 (3) by inserting after subsection (b) the fol-
15 lowing new subsection (c):

16 “(c) ROADMAP.—The Secretary of Defense shall pre-
17 pare and update periodically a roadmap for the policy re-
18 quired by subsection (a) that includes—

19 “(1) goals for the development of unmanned
20 system technologies to address capabilities identified
21 pursuant to subsection (b)(1); and

22 “(2) plans to address technical, operational,
23 and production challenges, and gaps in capabilities,
24 with respect to unmanned systems.”; and

1 **“§ 2275. Commercial space launch cooperation**

2 “(a) AUTHORITY.—The Secretary of Defense may, to
3 assist the Secretary of Transportation in carrying out re-
4 sponsibilities set forth in titles 49 and 51 with respect to
5 private sector involvement in commercial space activities
6 and public-private partnerships pertaining to space trans-
7 portation infrastructure, take such actions as the Sec-
8 retary considers to be in the best interest of the Federal
9 Government to do the following:

10 “(1) Maximize the use by the private sector in
11 the United States of the capacity of the space trans-
12 portation infrastructure of the Department of De-
13 fense.

14 “(2) Maximize the effectiveness and efficiency
15 of the space transportation infrastructure of the De-
16 partment of Defense.

17 “(3) Reduce the cost of services provided by the
18 Department of Defense related to space transpor-
19 tation infrastructure at launch support facilities and
20 space recovery support facilities.

21 “(4) Encourage commercial space activities by
22 enabling investment by covered entities in the space
23 transportation infrastructure of the Department of
24 Defense.

25 “(5) Foster cooperation between the Depart-
26 ment of Defense and covered entities.

1 “(b) AUTHORITY FOR CONTRACTS AND OTHER
2 AGREEMENTS RELATING TO SPACE TRANSPORTATION IN-
3 FRASTRUCTURE.—The Secretary of Defense—

4 “(1) may enter into a contract or other agree-
5 ment with a covered entity to provide to the covered
6 entity support and services related to the space
7 transportation infrastructure of the Department of
8 Defense; and

9 “(2) upon the request of that covered entity,
10 may include such support and services in the space
11 launch and reentry range support requirements of
12 the Department of Defense if—

13 “(A) the Secretary determines that the in-
14 clusion of such support and services in such re-
15 quirements—

16 “(i) is in the best interest of the Fed-
17 eral Government;

18 “(ii) does not interfere with the re-
19 quirements of the Department of Defense;
20 and

21 “(iii) does not compete with the com-
22 mercial space activities of other covered en-
23 tities, unless that competition is in the na-
24 tional security interests of the United
25 States; and

1 “(B) any commercial requirement included
2 in that contract or other agreement has full
3 non-Federal funding before the execution of the
4 contract or other agreement.

5 “(c) CONTRIBUTIONS.—

6 “(1) IN GENERAL.—The Secretary of Defense
7 may enter into contracts or other agreements with
8 covered entities on a cooperative and voluntary basis
9 to accept contributions of funds, services, and equip-
10 ment to carry out this section.

11 “(2) USE OF CONTRIBUTIONS.—Any funds,
12 services, or equipment accepted by the Secretary
13 under this subsection—

14 “(A) may be used only for the objectives
15 specified in this section in accordance with
16 terms of use set forth in the contract or other
17 agreement entered into under this subsection;
18 and

19 “(B) shall be managed by the Secretary in
20 accordance with regulations of the Department
21 of Defense.

22 “(3) REQUIREMENTS WITH RESPECT TO
23 AGREEMENTS.—A contract or other agreement en-
24 tered into under this subsection with a covered enti-
25 ty—

1 “(A) shall address the terms of use, owner-
2 ship, and disposition of the funds, services, or
3 equipment contributed pursuant to the contract
4 or other agreement; and

5 “(B) shall include a provision that the cov-
6 ered entity will not recover the costs of its con-
7 tribution through any other contract or agree-
8 ment with the United States.

9 “(d) DEFENSE COOPERATION SPACE LAUNCH AC-
10 COUNT.—

11 “(1) ESTABLISHMENT.—There is established in
12 the Treasury of the United States a special account
13 to be known as the ‘Defense Cooperation Space
14 Launch Account’.

15 “(2) CREDITING OF FUNDS.—Funds received
16 by the Secretary of Defense under subsection (c)
17 shall be credited to the Defense Cooperation Space
18 Launch Account and shall be available until ex-
19 pended without further authorization or appropria-
20 tion only for the objectives specified in this section.

21 “(e) ANNUAL REPORT.—Not later than January 31
22 of each year, the Secretary of Defense shall submit to the
23 congressional defense committees a report on the funds,
24 services, and equipment accepted and used by the Sec-
25 retary under this section during the previous fiscal year.

1 “(f) REGULATIONS.—The Secretary of Defense shall
2 prescribe regulations to carry out this section.

3 “(g) DEFINITIONS.—In this section:

4 “(1) COVERED ENTITY.—The term ‘covered en-
5 tity’ means a non-Federal entity that—

6 “(A) is organized under the laws of the
7 United States or of any jurisdiction within the
8 United States; and

9 “(B) is engaged in commercial space ac-
10 tivities.

11 “(2) LAUNCH SUPPORT FACILITIES.—The term
12 ‘launch support facilities’ has the meaning given
13 that term in section 50501(7) of title 51.

14 “(3) SPACE RECOVERY SUPPORT FACILITIES.—
15 The term ‘space recovery support facilities’ has the
16 meaning given that term in section 50501(11) of
17 title 51.

18 “(4) SPACE TRANSPORTATION INFRASTRUC-
19 TURE.—The term ‘space transportation infrastruc-
20 ture’ has the meaning given that term in section
21 50501(12) of title 51.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by adding
24 at the end the following new item:

“2275. Commercial space launch cooperation.”.

1 **TITLE X—GENERAL PROVISIONS**

2 **SEC. 1001. TECHNICAL AMENDMENTS TO REPEAL STATU-**
3 **TORY REFERENCES TO UNITED STATES**
4 **JOINT FORCES COMMAND.**

5 Title 10, United States Code, is amended as follows:

6 (1)(A) Section 232 is repealed.

7 (B) The table of sections at the beginning of
8 chapter 9 is amended by striking the item relating
9 to section 232.

10 (2) Section 485(b) is amended—

11 (A) in paragraph (5)—

12 (i) by striking “including a description
13 of” and all that follows through “(A) Spe-
14 cific outcomes” and inserting “including a
15 description of specific outcomes”; and

16 (ii) by striking subparagraph (B);

17 (B) by striking paragraph (8); and

18 (C) by redesignating paragraph (9) as
19 paragraph (8).

20 (3) Section 2859(d) is amended by striking
21 paragraph (2).

22 (4) Section 10503(13)(B) is amended by strik-
23 ing clause (iii) and redesignating clause (iv) as
24 clause (iii).

1 **SEC. 1002. REDESIGNATION OF THE CENTER FOR HEMI-**
2 **SPHERIC DEFENSE STUDIES AS THE WILLIAM**
3 **J. PERRY CENTER FOR HEMISPHERIC DE-**
4 **FENSE STUDIES.**

5 (a) REDESIGNATION.—The Department of Defense
6 regional center for security studies known as the Center
7 for Hemispheric Defense Studies is hereby renamed the
8 “William J. Perry Center for Hemispheric Defense Stud-
9 ies”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 184 of title 10, United States Code,
12 is amended—

13 (A) by striking “The Center for Hemi-
14 spheric Defense Studies” in subsection
15 (b)(2)(C) and inserting “The William J. Perry
16 Center for Hemispheric Defense Studies”; and

17 (B) by striking “the Center for Hemi-
18 spheric Defense Studies” in subsection (f)(5)
19 and inserting “the William J. Perry Center for
20 Hemispheric Defense Studies”.

21 (2) Section 2611(a)(2)(C) of such title is
22 amended by striking “The Center for Hemispheric
23 Defense Studies.” and inserting “The William J.
24 Perry Center for Hemispheric Defense Studies.”.

25 (c) REFERENCES.—Any reference to the Department
26 of Defense Center for Hemispheric Defense Studies in any

1 law, regulation, map, document, record, or other paper of
2 the United States shall be deemed to be a reference to
3 the William J. Perry Center for Hemispheric Defense
4 Studies.

5 **SEC. 1003. CONGRESSIONAL FUNERAL SUPPORT.**

6 (a) ACTIVE DUTY SUPPORT.—Section 1491(a) of
7 title 10, United States Code, is amended—

8 (1) by inserting “(1)” before “The Secretary”;
9 and

10 (2) by adding at the end the following new
11 paragraph:

12 “(2) The Secretary of Defense may, upon request of
13 the leadership of the House of Representatives or Senate,
14 provide a funeral honors detail and ceremonial support,
15 to include transportation, for the funeral of a member of
16 Congress or a delegate to Congress who dies while in of-
17 fice.”.

18 (b) NATIONAL GUARD SUPPORT.—Section 115(a) of
19 title 32, United States Code, is amended by inserting “or
20 a member of Congress or a delegate to Congress who dies
21 in office” in the first sentence after “veteran”.

22 **SEC. 1004. MILITARY MUSEUMS’ ACCEPTANCE OF PRIVATE**
23 **SUPPORT.**

24 (a) MUSEUM SUPPORT AUTHORITY.—

1 (1) GENERAL.—Chapter 155 of title 10, United
2 States Code, is amended by adding at the end the
3 following new section:

4 **“§ 2615. Military museum support**

5 “(a) ACCEPTANCE OF GIFTS.—Notwithstanding sec-
6 tion 1342 of title 31, the Secretary concerned may accept
7 services from a nonprofit entity to support a military mu-
8 seum program.

9 “(b) LIMITATION ON USE OF GIFT FUNDS.—Any gift
10 made for the purpose of assisting in the development, op-
11 eration, maintenance, and management of, or for the ac-
12 quisition of collections for, a military museum and depos-
13 ited into a General Gift Fund pursuant to section 2601
14 of this title shall be available only for the purpose of devel-
15 opment, operation, maintenance, and management of, or
16 for the acquisition of collections for, a military museum
17 program.

18 “(c) SOLICITATION OF GIFTS.—Under regulations
19 prescribed under this section, the Secretary concerned
20 may solicit from any person or public or private entity,
21 for the use and benefit of a military museum program,
22 a gift of books, manuscripts, works of art, historical arti-
23 facts, drawings, plans, models, and condemned or obsolete
24 combat materiel.

1 “(d) LEASING.—The Secretary concerned may, in ac-
2 cordance with section 2667 of this title, lease real and per-
3 sonal property of a military museum, but not including
4 any part of its collection, to a nonprofit entity for purposes
5 related to the military museum program. Money rentals
6 received from any such lease may be retained and spent
7 by the Secretary to support the military museum program.

8 “(e) COOPERATIVE AGREEMENTS.—The Secretary
9 concerned may enter into a cooperative agreement with
10 a nonprofit entity for purposes related to support of a mili-
11 tary museum program.

12 “(f) EMPLOYEE STATUS.—For purposes of this sec-
13 tion, employees or personnel of a nonprofit entity may not
14 be considered to be employees of the United States.

15 “(g) REGULATIONS.—

16 “(1) IN GENERAL.—The Secretary of Defense
17 shall prescribe regulations to implement this section.
18 Such regulations shall apply uniformly throughout
19 the Department of Defense.

20 “(2) LIMITATION.—Such regulations shall pro-
21 vide that solicitation of a gift, acceptance of a gift
22 (including a gift of services), or use of a gift under
23 this section may not occur if the nature or cir-
24 cumstances of the solicitation, acceptance, or use
25 would compromise the integrity or the appearance of

1 integrity of any program of the Department of De-
2 fense or any individual involved in such program.

3 “(h) DEFINITIONS.—In this section:

4 “(1) The term ‘military museum program’ may
5 include an individual museum.

6 “(2) The term ‘nonprofit entity’ means any en-
7 tity—

8 “(A) qualifying as an exempt organization
9 under section 501(c)(3) of the Internal Revenue
10 Code of 1986, and

11 “(B) with a primary purpose of supporting
12 a military museum program.

13 “(3) The term ‘Secretary concerned’ includes
14 the Secretary of Defense with respect to matters
15 concerning the Defense Agencies.”.

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:

“2615. Military museum support.”.

19 (b) CONFORMING AMENDMENT.—Section 2667(e)(1)
20 of such title is amended by striking subparagraph (E).

1 **SEC. 1005. CLARIFICATION OF PARTIES WITH WHOM DE-**
2 **PARTMENT OF DEFENSE MAY CONDUCT EX-**
3 **CHANGES OF REAL PROPERTY AT MILITARY**
4 **INSTALLATIONS.**

5 Section 2869(a)(1) of title 10, United States Code
6 is amended—

7 (1) by striking “eligible”; and

8 (2) by striking “entity” both places it appears
9 and inserting “person”.

10 **SEC. 1006. EXTENSION OF AUTHORITY TO PROVIDE AS-**
11 **SURED BUSINESS GUARANTEES TO CAR-**
12 **RIERS PARTICIPATING IN CIVIL RESERVE AIR**
13 **FLEET.**

14 (a) EXTENSION.—Subsection (k) of section 9515 of
15 title 10, United States Code, is amended by striking “De-
16 cember 31, 2015” and inserting “December 31, 2020”.

17 (b) APPLICATION TO ALL SEGMENTS OF CRAF.—
18 Such section is further amended—

19 (1) in subsection (a)(3), by striking “pas-
20 senger”; and

21 (2) in subsection (j), by striking “, except that
22 it only means such transportation for which the Sec-
23 retary of Defense has entered into a contract for the
24 purpose of passenger travel”.

1 **SEC. 1007. EXTENSION OF AUTHORITY FOR JOINT TASK**
2 **FORCES TO PROVIDE SUPPORT TO LAW EN-**
3 **FORCEMENT AGENCIES CONDUCTING**
4 **COUNTER-TERRORISM ACTIVITIES.**

5 Subsection (b) of section 1022 of the National De-
6 fense Authorization Act for Fiscal Year 2004 (Public Law
7 108–136; 10 U.S.C. 371 note) is amended by striking
8 “fiscal years 2006 through 2012” and inserting “the pe-
9 riod ending on December 31, 2014”.

10 **SEC. 1008. PUEBLO CHEMICAL DEPOT AND BLUE GRASS**
11 **ARMY DEPOT CHEMICAL AGENT AND MUNI-**
12 **TIONS DESTRUCTION TECHNOLOGIES.**

13 (a) LIMITATION.—Section 1412 of the Department
14 of Defense Authorization Act, 1986 (50 U.S.C. 1521), is
15 amended by adding at the end the following new sub-
16 section:

17 “(p) LIMITATION ON SUPPLEMENTAL DESTRUCTION
18 TECHNOLOGIES.—In determining the technologies to sup-
19 plement the neutralization destruction of the stockpile of
20 lethal chemical agents and munitions at Pueblo Chemical
21 Depot, Colorado, and Blue Grass Army Depot, Kentucky,
22 the Secretary of Defense may consider the following:

23 “(1) Explosive Destruction Technologies.

24 “(2) Any technologies developed for treatment
25 and disposal of agent or energetic hydrolysates, if

1 problems with the current on-site treatment of hy-
2 drolysates are encountered.”.

3 (b) REPEAL OF OBSOLETE PROVISION OF LAW.—

4 Section 151 of the Floyd D. Spence National Defense Au-
5 thorization Act for Fiscal Year 2001 (as enacted by Public
6 Law 106–398; 114 Stat. 1645A–30) is repealed.

7 **SEC. 1009. STREAMLINING OF PROCEDURES FOR PUR-**
8 **CHASE AND RELEASE OF MATERIALS UNDER**
9 **STRATEGIC AND CRITICAL MATERIALS**
10 **STOCKPILING ACT.**

11 (a) ACQUISITION OF MATERIALS.—

12 (1) OBLIGATION OF FUNDS FOR ACQUISI-
13 TION.—Section 5(a) of the Strategic and Critical
14 Materials Stock Piling Act (50 U.S.C. 98d(a)(1)) is
15 amended—

16 (A) in paragraph (1), by striking “Except
17 for” and all that follows through “obligated or”
18 and inserting “No funds may be”; and

19 (B) by adding at the end the following new
20 paragraph;

21 “(3) Except for acquisitions made under the author-
22 ity of paragraph (3) or (4) of section 6(a), no funds may
23 be obligated for acquisition of any material under this Act
24 until the President has submitted a full statement of the
25 proposed acquisition to the appropriate committees of

1 Congress and a period of 45 days has passed from the
2 date of the receipt of such statement by such commit-
3 tees.”.

4 (2) CONFORMING AMENDMENT.—Section
5 9(b)(2) of such Act (50 U.S.C. 98h(b)(2)) is amend-
6 ed by striking “Subject to section 5(a)(1), moneys”
7 and inserting “Moneys”.

8 (b) RELEASE OF MATERIALS NEEDED FOR NA-
9 TIONAL DEFENSE PURPOSES.—

10 (1) AUTHORITY FOR PRESIDENT TO DELEGATE
11 SPECIAL DISPOSAL AUTHORITY OF THE PRESIDENT
12 FOR RELEASE FOR NATIONAL DEFENSE PUR-
13 POSES.—Section 7(a) of such Act (50 U.S.C. 98f(a))
14 is amended—

15 (A) by striking “and” at the end of para-
16 graph (1);

17 (B) by striking the period at the end of
18 paragraph (2) and inserting “; and”; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(3) on the order of the National Defense
22 Stockpile Manager if the President has designated
23 the Stockpile Manager to have authority to issue re-
24 lease orders under this subsection and, in the case
25 of any such order, if the Stockpile Manager deter-

1 mines that the release of such materials is required
2 for use, manufacture, or production for purposes of
3 national defense.”.

4 (2) EXCLUSION FROM DELEGATION LIMITA-
5 TION.—Section 16 of such Act (50 U.S.C. 98h–7) is
6 amended by striking “sections 7 and 13” each place
7 it appears and inserting “sections 7(a)(1) and 13”.

8 **SEC. 1010. REQUIREMENT FOR CERTIFICATION ONCE**
9 **EVERY THREE YEARS RATHER THAN ANNU-**
10 **ALLY FOR AUTHORITY TO PROVIDE CERTAIN**
11 **SUPPORT FOR COUNTER-DRUG ACTIVITIES**
12 **TO SPECIFIED FOREIGN COUNTRIES.**

13 Section 1033 of the National Defense Authorization
14 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
15 1629), as most recently amended by section 1014 of the
16 Ike Skelton National Defense Authorization Act for Fiscal
17 Year 2011 (Public Law 111–383; 124 Stat. 4347), is
18 amended—

19 (1) in subsection (f)(1), by striking “the written
20 certification described in subsection (g) for that fis-
21 cal year.” and inserting the following: “a written
22 certification described in subsection (g) applicable to
23 that fiscal year. The first such certification with re-
24 spect to any such government may apply only to a
25 period of one fiscal year. Subsequent certifications

1 with respect to any such government may apply to
2 a period of not to exceed three 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 “with respect to a government to receive sup-
10 port under this section for any period of time
11 is a certification of each of the following with
12 respect to that government:”.

13 **SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT UNI-**
14 **FIED COUNTER-DRUG AND COUNTERTER-**
15 **RORISM CAMPAIGN IN COLOMBIA AND OF**
16 **NUMERICAL LIMITATION ON ASSIGNMENT OF**
17 **UNITED STATES PERSONNEL IN COLOMBIA.**

18 Section 1021 of the Ronald W. Reagan National De-
19 fense Authorization Act for Fiscal Year 2005 (Public Law
20 108–375; 118 Stat. 2042), as most recently amended by
21 section 1007 of the National Defense Authorization Act
22 for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
23 1588), is further amended—

1 (1) in subsection (a)(1), by striking “In fiscal
2 years 2005 through 2012” and inserting “During
3 the period ending on December 31, 2014”; and

4 (2) in subsection (c), by striking “in fiscal years
5 2005 through 2012” and inserting “during the pe-
6 riod ending on December 31, 2014,”.

7 **SEC. 1012. TECHNICAL CLARIFICATION OF SCOPE OF PRO-**
8 **CEDURES REQUIRED FOR PERIODIC DETEN-**
9 **TION REVIEW OF INDIVIDUALS DETAINED AT**
10 **UNITED STATES NAVAL STATION, GUANTA-**
11 **NAMO BAY, CUBA.**

12 (a) TECHNICAL CLARIFICATION.—In establishing
13 and applying the procedures required by section 1023 of
14 the National Defense Authorization Act for Fiscal Year
15 2012 (Public Law 112–81; 125 Stat. 1564; 10 U.S.C. 801
16 note) for implementing the periodic review process re-
17 quired by Executive Order No. 13567, issued on March
18 7, 2011, as such procedures pertain to individuals de-
19 tained as of that date at United States Naval Station,
20 Guantanamo Bay, Cuba, pursuant to the Authorization
21 for Use of Military Force (Public Law 107–40; 50 U.S.C.
22 1541 note), the Secretary of Defense may (notwith-
23 standing subsection (b)(3) of such section) provide that
24 the periodic review process required by section 3 of that
25 Executive Order applies to such a detainee only if the de-

1 tainee is described in section 1(a) of such Executive Order,
2 as in effect on December 31, 2011.

3 (b) NOTIFICATION OF MODIFICATION OF PROCE-
4 DURES.—

5 (1) REQUIREMENT.—The Secretary of Defense
6 shall submit to the appropriate committees of Con-
7 gress a notification of any modification under the
8 authority of subsection (a) to the procedures sub-
9 mitted to those committees under section 1023 of
10 the National Defense Authorization Act for Fiscal
11 Year 2012 (Public Law 112–81; 125 Stat. 1564; 10
12 U.S.C. 801 note). Any such notification shall be sub-
13 mitted not later than 15 days before the date on
14 which such modification goes into effect.

15 (2) APPROPRIATE COMMITTEES OF CONGRESS
16 DEFINED.—In this subsection, the term “appro-
17 priate committees of Congress” has the meaning
18 given that term in subsection (c) of such section
19 1023.

1 **TITLE XI—CIVILIAN PERSONNEL**
2 **MATTERS**

3 **SEC. 1101. EXPANSION OF PERSONS ELIGIBLE FOR EXPE-**
4 **DITED FEDERAL HIRING FOLLOWING COM-**
5 **PLETION OF NATIONAL SECURITY EDU-**
6 **CATION PROGRAM SCHOLARSHIP.**

7 Section 802(k) of the David L. Boren National Secu-
8 rity Education Act of 1991 (50 U.S.C. 1902(k)) is amend-
9 ed to read as follows:

10 “(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

11 “(1) APPOINTMENT AUTHORITY.—The Sec-
12 retary of Defense, the Secretary of Homeland Secu-
13 rity, the Secretary of State, or the head of a Federal
14 agency or office identified by the Secretary of De-
15 fense under subsection (g) as having national secu-
16 rity responsibilities—

17 “(A) may, without regard to any provision
18 of title 5 governing appointments in the com-
19 petitive service, appoint an eligible program
20 participant—

21 “(i) to a position in the excepted serv-
22 ice that is identified under clause (i) of
23 subsection (b)(2)(A) as contributing to the
24 national security; or

1 “(ii) subject to clause (ii) of such sub-
2 section, to a position in the excepted serv-
3 ice in such Federal agency or office with
4 national security responsibilities; and

5 “(B) may, upon satisfactory completion of
6 two years of substantially continuous service by
7 an incumbent who was appointed to an ex-
8 cepted service position under the authority of
9 subparagraph (A), convert the appointment of
10 such individual, without competition, to a career
11 or career conditional appointment.

12 “(2) ELIGIBLE PROGRAM PARTICIPANT.—For
13 purposes of paragraph (1), the term ‘eligible pro-
14 gram participant’ means an individual who—

15 “(A) has successfully completed an aca-
16 demic program for which a scholarship or fel-
17 lowship under this section was awarded; and

18 “(B) at the time of the appointment of the
19 individual to an excepted service position under
20 paragraph (1)(A)—

21 “(i) under the terms of the agreement
22 for such individual’s scholarship or fellow-
23 ship that was awarded under this section,
24 owes a service commitment to a Depart-

1 ment or such Federal agency or office re-
2 ferred to in paragraph (1);

3 “(ii) is employed by the Federal Gov-
4 ernment under a non-permanent appoint-
5 ment to a position in the excepted service
6 that has national security responsibilities;
7 or

8 “(iii) is a former civilian employee of
9 the Federal Government who has less than
10 a one-year break of service from the indi-
11 vidual’s last period of Federal employment
12 in a non-permanent appointment in the ex-
13 cepted service with national security re-
14 sponsibilities.

15 “(3) TREATMENT OF CERTAIN SERVICE.—In
16 the case of an individual described in paragraph
17 (2)(B)(ii) or (2)(B)(iii) who receives an appointment
18 under paragraph (1)(A), any period that the indi-
19 vidual served in a position with the Federal Govern-
20 ment may be counted towards satisfaction of the
21 service requirement under paragraph (1)(B) if that
22 service—

23 “(A) in the case of an appointment under
24 clause (i) of paragraph (1)(A), was in a position
25 that is identified under clause (i) of subsection

1 (b)(2)(A) as contributing to the national secu-
2 rity; or

3 “(B) in the case of an appointment under
4 clause (ii) of paragraph (1)(A), was in the Fed-
5 eral agency or office in which the appointment
6 under that clause is made.”.

7 **SEC. 1102. AUTHORITY FOR TRANSPORTATION OF FAMILY**
8 **HOUSEHOLD PETS OF CIVILIAN PERSONNEL**
9 **DURING EVACUATION OF NON-ESSENTIAL**
10 **PERSONNEL.**

11 Section 5725 of title 5, United States Code, is
12 amended—

13 (1) in subsection (a)(2), by inserting after “per-
14 sonal effects,” the following: “and family household
15 pets,”; and

16 (2) by adding at the end the following new sub-
17 section:

18 “(c)(1) Authority under subsection (a) to transport
19 family household pets of an employee includes authority
20 for shipment and the payment of quarantine costs, if any.

21 “(2) An employee for whom transportation of family
22 household pets is authorized under subsection (a) may be
23 paid reimbursement or a monetary allowance if other com-
24 mercial transportation means have been used.

1 “(3) The provision of transportation of family house-
2 hold pets for an employee of the Department of Defense
3 under subsection (a) and the payment of reimbursement
4 under paragraph (2) shall be subject to the same terms
5 and conditions as apply under subsection 406(b)(1)(H)(iii)
6 of title 37 with respect to family household pets of mem-
7 bers of the uniformed services, including limitations on the
8 types, size, and number of pets for which transportation
9 may be provided or reimbursement paid.”.

10 **SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE**
11 **CATEGORY POSITIONS FOR CERTAIN FED-**
12 **ERAL ACQUISITION POSITIONS FOR CIVILIAN**
13 **AGENCIES.**

14 Section 1703(j) of title 41, United States Code, is
15 amended—

16 (1) in paragraph (1)—

17 (A) by striking “sections 3304, 5333, and
18 5753” and inserting “section 3304”; and

19 (B) by striking “use the authorities in
20 those sections to recruit and”; and

21 (2) in paragraph (2), by striking “September
22 30, 2012” and inserting “September 30, 2017”.

1 **SEC. 1104. AUTHORITY TO WAIVE ANNUAL LIMITATIONS ON**
2 **PREMIUM AND AGGREGATE PAY FOR CER-**
3 **TAIN FEDERAL CIVILIAN EMPLOYEES WORK-**
4 **ING OVERSEAS.**

5 (a) WAIVER OF LIMITATION ON PREMIUM PAY.—
6 Section 5547 of title 5, United States Code, is amended
7 by adding at the end the following new subsection:

8 “(e)(1) Subsection (a) shall not apply to an employee
9 who performs work while assigned to duty in a designated
10 zone of armed conflict.

11 “(2) Notwithstanding paragraph (1), no employee re-
12 ferred to in such paragraph may be paid premium pay
13 under the provisions of law cited in subsection (a) to the
14 extent that the aggregate of the basic pay and premium
15 pay under those provisions for such employee would, in
16 any calendar year, exceed the annual rate of salary pay-
17 able to the Vice President under section 104 of title 3.

18 “(3) To the extent that a waiver under paragraph
19 (1) results in payment of additional premium pay of a type
20 that is normally creditable as basic pay for retirement or
21 any other purpose, such additional pay shall not be consid-
22 ered to be basic pay for any purpose, nor shall it be used
23 in computing a lump-sum payment for accumulated and
24 accrued annual leave under section 5551.

25 “(4) The Office of Personnel Management may pre-
26 scribe regulations to ensure appropriate consistency

1 among heads of Executive agencies in the exercise of the
2 authority granted by this subsection.

3 “(5) For the purpose of this subsection—

4 “(A) ‘assigned to duty in’ refers to an employee
5 who is officially assigned to work or duty (including
6 serving on temporary duty) in a designated zone of
7 armed conflict, which may include short periods
8 away from the zone to perform work in connection
9 with the assignment, subject to any limitations or
10 requirements established by regulation or official
11 policy;

12 “(B) ‘designated zone of armed conflict’ means
13 a foreign country or other foreign geographic area
14 outside of the United States (as that term is defined
15 in section 202(7) of the State Department Basic Au-
16 thorities Act of 1956 (22 U.S.C. 4302(7)) that is
17 designated by the Secretary of State, in coordination
18 with the Secretary of Defense, as an area where
19 there are exceptional levels of armed violence. In
20 making such a designation, the Secretary of State
21 may consider—

22 “(i) whether the Armed Forces of the
23 United States are involved in hostilities in the
24 country or area;

1 “(ii) whether the incidence of civil insur-
2 rection, civil war, terrorism, or wartime condi-
3 tions threatens physical harm or imminent dan-
4 ger to the health or well-being of United States
5 civilian employees in the country or area;

6 “(iii) whether the country or area has been
7 designated a combat zone by the President
8 under section 112(c) of the Internal Revenue
9 Code of 1986;

10 “(iv) whether a contingency operation in-
11 volving combat operations directly affects civil-
12 ian employees in the country or area; or

13 “(v) any other relevant conditions and fac-
14 tors.

15 “(6) The authority under this subsection expires at
16 the close of December 31, 2015.”.

17 (b) WAIVER OF LIMITATION ON AGGREGATE PAY.—
18 Section 5307 of such title is amended—

19 (1) in subsection (a)(1), by striking “or as oth-
20 erwise provided under subsection (d)” and inserting
21 “or as otherwise provided by this section”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(e)(1) The preceding subsections of this section shall
25 not apply to payments in addition to basic pay earned by

1 an employee during a calendar year for performing work
2 while assigned to duty in a designated zone of armed con-
3 flict (as such terms are defined in section 5547(e)(5)(A)
4 and (B)).

5 “(2) For the purpose of this subsection, the term
6 ‘basic pay’ includes any applicable locality-based com-
7 parability payment under section 5304, any applicable
8 special rate supplement under section 5305, and any simi-
9 lar payment under any other provision of law.

10 “(3) The Office of Personnel Management may pre-
11 scribe regulations to implement this subsection.

12 “(4) The authority in paragraph (1) shall not apply
13 to calendar years after 2015.”.

14 (c) DEPARTMENT OF DEFENSE HIGHLY QUALIFIED
15 EXPERTS.—Section 9903(d) of such title is amended—

16 (1) in subparagraph (1) by striking “12-month
17 period” and inserting “calendar year”; and

18 (2) in subparagraph (2)(B) by striking “in sup-
19 port of a contingency operation (as defined by sec-
20 tion 101 (a)(13) of title 10” and inserting “to duty
21 in a designated zone of armed conflict (as such
22 terms are defined in section 5547(e)(5)(A) and
23 (B))”.

1 (d) EFFECTIVE DATE.—(1) The amendments made
2 by subsection (a) shall apply to premium payments pay-
3 able on or after January 1, 2013.

4 (2) The amendments made by subsections (b) and (c)
5 shall take effect on January 1, 2013.

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

8 **SEC. 1201. IMPROVED ADMINISTRATION OF THE AMER-**
9 **ICAN, BRITISH, CANADIAN, AND AUSTRALIAN**
10 **ARMIES' PROGRAM.**

11 (a) AUTHORITY.—Chapter 6 of title 10, United
12 States Code, is amended by adding at the end the fol-
13 lowing new section:

14 **“§ 168a. American, British, Canadian, and Australian**
15 **Armies' Program: administration; agree-**
16 **ments with other participating countries**

17 “(a) AUTHORITY.—As part of the participation by
18 the United States in the land-force program known as the
19 American, British, Canadian, and Australian Armies' Pro-
20 gram (in this section referred to as the ‘Program’), the
21 Secretary of Defense, with the concurrence of the Sec-
22 retary of State, may enter into agreements with the other
23 participating countries in accordance with this section,
24 and the Program shall be managed pursuant to a joint
25 agreement among the participating countries.

1 “(b) PARTICIPATING COUNTRIES.—In addition to the
2 United States, the countries participating in the Program
3 are the following:

4 “(1) Australia.

5 “(2) Canada.

6 “(3) New Zealand.

7 “(4) The United Kingdom.

8 “(c) CONTRIBUTIONS BY PARTICIPANTS.—(1) An
9 agreement under subsection (a) shall provide that each
10 participating country shall contribute to the Program (A)
11 its equitable share of the full cost for the Program, includ-
12 ing the full cost of overhead and administrative costs re-
13 lated to the Program, and (B) any amount allocated to
14 it in accordance with the agreement for the cost for mone-
15 tary claims asserted against any participating country as
16 a result of participation in the Program.

17 “(2) Such an agreement shall also provide that each
18 participating country (including the United States) may
19 provide its contribution for its equitable share under the
20 agreement in funds, in personal property, or in services
21 required for the Program (or in any combination thereof).

22 “(3) Any contribution by the United States to the
23 Program that is provided in funds shall be made from
24 funds available to the Department of Defense for oper-
25 ation and maintenance.

1 “(4) Any contribution received by the United States
2 from another participating country to meet that country’s
3 share of the costs of the Program shall be credited to ap-
4 propriations available to the Department of Defense, as
5 determined by the Secretary of Defense. The amount of
6 a contribution credited to an appropriation account in con-
7 nection with the Program shall be available only for pay-
8 ment of the share of the Program expenses allocated to
9 the participating country making the contribution.
10 Amounts so credited shall be available for the following
11 purposes:

12 “(A) Payments to contractors and other sup-
13 pliers (including the Department of Defense and
14 participating countries acting as suppliers) for nec-
15 essary goods and services of the Program.

16 “(B) Payments for any damages and costs re-
17 sulting from the performance or cancellation of any
18 contract or other obligation in support of the Pro-
19 gram.

20 “(C) Payments for a monetary claim against a
21 participating country as a result of the participation
22 of that country in the Program.

23 “(D) Payments or reimbursements of other
24 Program expenses, including overhead and adminis-

1 trative costs for any administrative office for the
2 Program.

3 “(E) Refunds to other participating countries.

4 “(5) Costs for the operation of any office established
5 to carry out the Program shall be borne jointly by the
6 participating countries as provided for in an agreement
7 referred to in subsection (a).

8 “(d) AUTHORITY TO CONTRACT FOR PROGRAM AC-
9 TIVITIES.—As part of the participation by the United
10 States in the Program, the Secretary of Defense may
11 enter into contracts or incur other obligations on behalf
12 of the other participating countries for activities under the
13 Program. Any payment for such a contract or other obli-
14 gation under this subsection may be paid only from con-
15 tributions credited to an appropriation under subsection
16 (c)(4).

17 “(e) DISPOSAL OF PROPERTY.—As part of the par-
18 ticipation by the United States in the Program, the Sec-
19 retary of Defense may, with respect to any property that
20 is jointly acquired by the countries participating in the
21 Program, agree to the disposal of the property without re-
22 gard to any law of the United States that is otherwise
23 applicable to the disposal of property owned by the United
24 States. Such disposal may include the transfer of the in-
25 terest of the United States in the property to one or more

1 of the other participating countries or the sale of the prop-
 2 erty. Reimbursement for the value of the property dis-
 3 posed of (including the value of the interest of the United
 4 States in the property) shall be made in accordance with
 5 an agreement under subsection (a).”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of such chapter is amended by adding
 8 at the end the following new item:

“168a. American, British, Canadian, and Australian Armies’ Program: adminis-
 tration; agreements with other participating countries.”.

9 **SEC. 1202. THREE-YEAR EXTENSION OF AUTHORITY FOR**
 10 **NON-RECIPROCAL EXCHANGES OF DEFENSE**
 11 **PERSONNEL BETWEEN THE UNITED STATES**
 12 **AND FOREIGN COUNTRIES.**

13 Section 1207(f) of the National Defense Authoriza-
 14 tion Act for Fiscal Year 2010 (Public Law 111–84; 10
 15 U.S.C. 168 note) is amended by striking “September 30,
 16 2012” and inserting “September 30, 2015”.

17 **SEC. 1203. REPEAL OF REQUIREMENT FOR ADVANCE NOTI-**
 18 **FICATION TO CONGRESS OF TRANSFER OF**
 19 **CERTAIN EXCESS DEFENSE ARTICLES.**

20 Section 516(f)(1) of the Foreign Assistance Act (22
 21 U.S.C. 2321j(f)(1)) is amended by striking “excess de-
 22 fense articles that are significant military equipment (as
 23 defined in section 47(9) of the Arms Export Control Act)
 24 or”.

1 **SEC. 1204. DESIGNATION OF ADDITIONAL “HIGH INCOME”**
2 **COUNTRIES PROHIBITED FROM RECEIVING**
3 **INTERNATIONAL MILITARY EDUCATION AND**
4 **TRAINING GRANT ASSISTANCE UNDER CHAP-**
5 **TER 5 OF THE FOREIGN ASSISTANCE ACT.**

6 Section 546(b) of the Foreign Assistance Act of 1961
7 (22 U.S.C. 2347e(b)) is amended by striking “and Spain”
8 and inserting “Spain, Saudi Arabia, Kuwait, United Arab
9 Emirates, Qatar, Brunei, Ireland, Sweden, Switzerland,
10 and Taiwan”.

11 **SEC. 1205. AUTHORITY TO SUPPORT OPERATIONS AND AC-**
12 **TIVITIES OF THE OFFICE OF SECURITY CO-**
13 **OPERATION IN IRAQ.**

14 (a) **AUTHORITY.**—Subsection (b) of section 1215 of
15 the National Defense Authorization Act for Fiscal Year
16 2012 (Public Law 112–81; 125 Stat. 1631) is amended—

17 (1) by striking “**SUPPORT.**—The operations”
18 and inserting “**SUPPORT.**—

19 “(1) **IN GENERAL.**—The operations”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(2) **TRAIN AND ASSIST.**—The operations and
23 activities that may be carried out by the Office of
24 Security Cooperation in Iraq using funds provided
25 under subsection (a) may, with the concurrence of

1 the Secretary of State, include training and assisting
2 Iraqi Ministry of Defense personnel.”.

3 (b) LIMITATION.—Subsection (c) of such section is
4 amended by striking “in fiscal year 2012 may not exceed
5 \$524,000,000” and inserting “in fiscal year 2013 may not
6 exceed \$508,000,000”.

7 (c) SOURCE OF FUNDS.—Subsection (d) of such sec-
8 tion is amended by striking “fiscal year 2012” and insert-
9 ing “fiscal year 2013”.

10 **SEC. 1206. UNITED STATES PARTICIPATION IN HEAD-**
11 **QUARTERS EUROCORPS.**

12 (a) PARTICIPATION AUTHORIZED.—The Secretary of
13 Defense may, with the concurrence of the Secretary of
14 State, authorize the participation of members of the
15 Armed Forces and Department of Defense civilian per-
16 sonnel as members of the staff of Headquarters Eurocorps
17 for the purpose of integrating United States subject mat-
18 ter experts into the nucleus of the growing defense struc-
19 ture of the European Union.

20 (b) MEMORANDUM OF UNDERSTANDING.—

21 (1) REQUIREMENT.—The participation of mem-
22 bers of the Armed Forces or Department of Defense
23 civilian personnel as members of the staff of Head-
24 quarters Eurocorps shall be in accordance with the
25 terms of one or more memoranda of understanding

1 entered into by the Secretary of Defense, with the
2 concurrence of the Secretary of State, and Head-
3 quarters Eurocorps.

4 (2) COST-SHARING ARRANGEMENTS.—If De-
5 partment of Defense facilities, equipment, or funds
6 are used to support Headquarters Eurocorps, the
7 memoranda of understanding under paragraph (1)
8 shall provide details of any cost-sharing arrangement
9 or other funding arrangement.

10 (c) AVAILABILITY OF APPROPRIATED FUNDS.—

11 (1) AVAILABILITY.—Funds appropriated to the
12 Department of Defense for operation and mainte-
13 nance are available as follows:

14 (A) To pay the United States' share of the
15 operating expenses of the Headquarters
16 Eurocorps.

17 (B) To pay the costs of the participation
18 of members of the Armed Forces and Depart-
19 ment of Defense civilian personnel participating
20 as members of the staff of the Headquarters
21 Eurocorps, including the costs of expenses of
22 such participants.

23 (2) LIMITATION.—No funds may be used under
24 this section to fund the pay or salaries of members
25 of the Armed Forces and Department of Defense ci-

1 vilian personnel who participate as members of the
2 staff of the Headquarters, North Atlantic Treaty
3 Organization (NATO) Rapid Deployable Corps
4 under this section.

5 (d) DEFINITION.—The term “Headquarters
6 Eurocorps” refers to the multinational military head-
7 quarters, established on October 1, 1993, which is one of
8 the High Readiness Forces (Land) associated with the Al-
9 lied Rapid Reaction Corps of NATO.

10 **SEC. 1207. DEPARTMENT OF DEFENSE PARTICIPATION IN**
11 **EUROPEAN PROGRAM ON MULTILATERAL EX-**
12 **CHANGE OF AIR TRANSPORTATION AND AIR**
13 **REFUELING SERVICES.**

14 (a) PARTICIPATION AUTHORIZED.—

15 (1) IN GENERAL.—The Secretary of Defense
16 may, with the concurrence of the Secretary of State,
17 authorize the participation of the United States in
18 the Air Transport, Air-to-Air Refueling and other
19 Exchanges of Services program (in this section re-
20 ferred to as the “ATARES program”) of the Move-
21 ment Coordination Centre Europe.

22 (2) SCOPE OF PARTICIPATION.—Participation
23 in the ATARES program under paragraph (1) shall
24 be limited to the reciprocal exchange or transfer of
25 air transportation and air refueling services on a re-

1 imbursable basis or by replacement-in-kind or the
2 exchange of air transportation or air refueling serv-
3 ices of an equal value.

4 (3) LIMITATION.—The United States' balance
5 of executed flight hours, whether as credits or deb-
6 its, in participation in the ATARES program under
7 paragraph (1) may not exceed 500 hours.

8 (b) WRITTEN ARRANGEMENTS OR AGREEMENTS.—

9 (1) ARRANGEMENTS OR AGREEMENT RE-
10 QUIRED.—The participation of the United States in
11 the ATARES program under subsection (a) shall be
12 in accordance with a written arrangement or agree-
13 ment entered into by the Secretary of Defense, with
14 the concurrence of the Secretary of State, and the
15 Movement Coordination Centre Europe.

16 (2) FUNDING ARRANGEMENTS.—If Department
17 of Defense facilities, equipment, or funds are used to
18 support the ATARES program, the written arrange-
19 ment or agreement under paragraph (1) shall specify
20 the details of any equitable cost sharing or other
21 funding arrangement.

22 (3) OTHER ELEMENTS.—Any written arrange-
23 ment or agreement entered into under paragraph (1)
24 shall require that any accrued credits and liabilities
25 resulting from an unequal exchange or transfer of

1 air transportation or air refueling services shall be
2 liquidated, not less than once every five years,
3 through the ATARES program.

4 (c) IMPLEMENTATION.—In carrying out any written
5 arrangement or agreement entered into under subsection
6 (b), the Secretary of Defense may—

7 (1) pay the United States' equitable share of
8 the operating expenses of the Movement Coordina-
9 tion Centre Europe and the ATARES consortium
10 from funds available to the Department of Defense
11 for operation and maintenance; and

12 (2) assign members of the Armed Forces or De-
13 partment of Defense civilian personnel, from among
14 members and personnel within billets authorized for
15 the United States European Command, to duty at
16 the Movement Coordination Centre Europe as nec-
17 essary to fulfill the United States' obligations under
18 that arrangement or agreement.

19 (d) CREDITING OF RECEIPTS.—Any amount received
20 by the United States in carrying out a written arrange-
21 ment or agreement entered into under subsection (b) shall
22 be credited, as elected by the Secretary of Defense, to the
23 following:

1 (1) The appropriation, fund, or account used in
2 incurring the obligation for which such amount is re-
3 ceived.

4 (2) An appropriation, fund, or account cur-
5 rently available for the purposes for which such obli-
6 gation was made.

7 (e) EXPIRATION.—The authority provided by this
8 section to participate in the ATARES program shall ex-
9 pire five years after the date on which the Secretary of
10 Defense first enters into a written arrangement or agree-
11 ment under subsection (b). The Secretary shall publish no-
12 tice of such date on a public website of the Department
13 of Defense.

14 **SEC. 1208. EXTENSION OF EXPIRATION DATE OF TRANSI-**
15 **TIONAL AUTHORITIES TO PROVIDE ASSIST-**
16 **ANCE TO ENHANCE THE CAPACITY OF**
17 **COUNTERTERRORISM FORCES OF CERTAIN**
18 **EAST AFRICAN COUNTRIES AND YEMEN.**

19 (a) EXPIRATION DATE.—Subsection (n) of section
20 1207 of the National Defense Authorization Act for Fiscal
21 Year 2012 (Public Law 112–81; 125 Stat. 1628) is
22 amended—

23 (1) in paragraph (1), by striking “fiscal year
24 2012” and inserting “fiscal years 2012 and 2013”;
25 and

1 (2) in paragraph (4)(A)(ii), by striking “Sep-
2 tember 30, 2012” and inserting “September 30,
3 2013”.

4 (b) FUNDING.—Subsection (o) of such section is
5 amended—

6 (1) in paragraph (1)—

7 (A) by striking “FISCAL YEAR 2012” and
8 inserting “FISCAL YEARS 2012 AND 2013”;

9 (B) by inserting “and during fiscal year
10 2013 may not exceed \$450,000,000” after
11 “during fiscal year 2012 may not exceed
12 \$350,000,000”; and

13 (C) by inserting “in each such fiscal year”
14 in subparagraphs (A) and (B) after
15 “\$75,000,000 may be used”; and

16 (2) in paragraph (2)—

17 (A) by striking “FISCAL YEARS 2013 AND
18 AFTER” and inserting “FISCAL YEARS 2014 AND
19 AFTER” in the subsection heading; and

20 (B) by striking “after fiscal year 2012”
21 and inserting “after fiscal year 2013”.

1 **SEC. 1209. THREE-YEAR EXTENSION OF AUTHORITY TO**
2 **WAIVE REIMBURSEMENT OF COSTS OF AC-**
3 **TIVITIES FOR NONGOVERNMENTAL PER-**
4 **SONNEL AT DEPARTMENT OF DEFENSE RE-**
5 **GIONAL CENTERS FOR SECURITY STUDIES.**

6 Paragraph (1) of section 941(b) of the Duncan Hun-
7 ter National Defense Authorization Act for Fiscal Year
8 2009 (Public Law 110–417; 10 U.S.C. 184 note), is
9 amended by striking “through 2012” and inserting
10 “through 2015”.

11 **SEC. 1210. EXTENSION AND EXPANSION OF AUTHORITY TO**
12 **ACQUIRE PRODUCTS AND SERVICES PRO-**
13 **DUCE IN COUNTRIES ALONG A MAJOR**
14 **ROUTE OF SUPPLY TO AFGHANISTAN.**

15 (a) **EXTENSION OF TERMINATION DATE.**—Sub-
16 section (f) of section 801 of the National Defense Author-
17 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
18 Stat. 2399) is amended by striking “on or after the date
19 occurring three years after the date of the enactment of
20 this Act” and inserting “after December 31, 2014”.

21 (b) **EXPANSION OF AUTHORITY TO COVER FORCES**
22 **OF THE UNITED STATES AND COALITION FORCES.**—Sub-
23 section (b)(1)(C) of such section is amended by inserting
24 “, the United States, or coalition forces” before the semi-
25 colon at the end.

1 (c) REPEAL OF EXPIRED REPORT REQUIREMENT.—
2 Subsection (g) of such section is repealed.

3 (d) CLERICAL AMENDMENT.—The heading of such
4 section is amended by striking “; **REPORT**”.

5 **SEC. 1211. EXTENSION OF COMMANDERS’ EMERGENCY RE-**
6 **SPONSE PROGRAM IN AFGHANISTAN.**

7 (a) EXTENSION OF CERP AUTHORITY.—Subsection
8 (a) of section 1201 of the National Defense Authorization
9 Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat.
10 1619) is amended—

11 (1) in the subsection heading, by striking “FIS-

12 CAL YEAR 2012” and inserting “FISCAL YEAR

13 2013”; and

14 (2) by striking “fiscal year 2012” and inserting

15 “fiscal year 2013”.

16 (b) EXTENSION OF AUTHORITY TO ACCEPT CON-

17 TRIBUTIONS.—Subsection (f) of such section is amended

18 by striking “in fiscal year 2012” and inserting “during

19 any period during which the authority in subsection (a)

20 is in effect”.

21 **SEC. 1212. EXTENSION OF AUTHORITIES RELATING TO PRO-**
22 **GRAM TO BUILD THE CAPACITY OF FOREIGN**
23 **MILITARY FORCES.**

24 Section 1206(g) of the National Defense Authoriza-

25 tion Act for Fiscal Year 2006 (Public Law 109–163; 119

1 Stat. 3456), as most recently amended by section 1204(c)
2 of the National Defense Authorization Act for Fiscal Year
3 2012 (Public Law 112–81; 125 Stat. 1622), is further
4 amended—

5 (1) by striking “September 30, 2013” and in-
6 serting “September 30, 2014”; and

7 (2) by striking “fiscal years 2006 through
8 2013” and inserting “fiscal years 2006 through
9 2014”.

10 **SEC. 1213. ONE-YEAR EXTENSION OF AUTHORITY TO USE**
11 **FUNDS FOR REINTEGRATION ACTIVITIES IN**
12 **AFGHANISTAN.**

13 Section 1216 of the Ike Skelton National Defense
14 Authorization Act for Fiscal Year 2011 (Public Law 111–
15 383; 124 Stat. 4392), as amended by section 1216 of the
16 National Defense Authorization Act for Fiscal Year 2012
17 (Public Law 112–81; 125 Stat. 1632), is amended—

18 (1) in subsection (a)—

19 (A) by striking “\$50,000,000” and insert-
20 ing “\$35,000,000”; and

21 (B) by striking “in each of fiscal years
22 2011 and 2012” and inserting “for fiscal year
23 2013”; and

24 (2) in subsection (e)—

1 (A) by striking “utilize funds” and insert-
2 ing “obligate funds”; and

3 (B) by striking “December 31, 2012” and
4 inserting “December 31, 2013”.

5 **SEC. 1214. AUTHORITY FOR FUNDS AVAILABLE IN THE**
6 **JOINT IMPROVISED EXPLOSIVE DEVICE DE-**
7 **FEAT FUND TO BE USED TO SUPPORT PRO-**
8 **GRAMS THAT MITIGATE THREATS TO UNITED**
9 **STATES FORCES IN AFGHANISTAN.**

10 Subsection (b) of section 1514 of the John Warner
11 National Defense Authorization Act for Fiscal Year 2007
12 (Public Law 109–364; 120 Stat. 2439) is amended—

13 (1) by inserting “(1)” after “USE OF FUNDS.—
14 ”; and

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

17 “(2) In addition, funds in the Joint Improvised Ex-
18 plosive Device Defeat Fund for the purposes stated in
19 paragraph (1) shall, with the concurrence of the Secretary
20 of State, be available for the purpose of monitoring, dis-
21 rupting, and interdicting the movement of explosive device
22 precursors from a country that borders Afghanistan to a
23 location within Afghanistan. For a country in which the
24 actions and activities described in the preceding sentence
25 are carried out, such funds may, with the concurrence of

1 the Secretary of State, also be used to train and equip
2 the security forces of that country that support those
3 counter-improvised explosive device missions.”.

4 **SEC. 1215. ONE-YEAR EXTENSION AND MODIFICATION OF**
5 **THE AUTHORITY TO CARRY OUT INFRA-**
6 **STRUCTURE PROJECTS IN AFGHANISTAN.**

7 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Sub-
8 section (f) of section 1217 of the Ike Skelton National De-
9 fense Authorization Act for Fiscal Year 2011 (Public Law
10 111–383; 22 U.S.C. 7513 note) is amended—

11 (1) in paragraph (1)—

12 (A) by striking “up to \$400,000,000 of”;

13 (B) by striking “for fiscal year 2012”; and

14 (C) by striking “under subsection (a).”

15 and inserting “under subsection (a) in amounts
16 as follows:

17 “(A) From funds for fiscal year 2012, up
18 to \$400,000,000.

19 “(B) From funds for fiscal year 2013, up
20 to \$400,000,000.”; and

21 (2) in paragraph (3)—

22 (A) by striking subparagraph (A);

23 (B) by redesignating subparagraph (B) as
24 subparagraph (A); and

1 (C) by adding at the end the following new
2 subparagraph (B):

3 “(B) In the case of funds for fiscal year
4 2013, until September 30, 2014.”.

5 (b) TRANSFERS.—Such subsection is further amend-
6 ed by adding at the end the following new paragraph:

7 “(4) TRANSFER AUTHORITY.—(A) From funds
8 made available to the Department of Defense, the
9 Secretary of Defense may transfer up to
10 \$200,000,000 into the Afghanistan Infrastructure
11 Fund in fiscal year 2013.

12 “(B) Funds transferred to the Fund under sub-
13 paragraph (A) shall be merged with funds in the
14 Fund and shall remain available until September 30,
15 2014.

16 “(C) The authority to transfer funds under
17 subparagraph (A) is in addition to any other author-
18 ity available to the Department of Defense to trans-
19 fer funds.

20 “(D) Whenever funds are transferred to the
21 Fund under subparagraph (A) for any fiscal year,
22 the limitation in effect for that fiscal year under
23 paragraph (1) shall be deemed to be increased by
24 the amount transferred.”.

1 **SEC. 1216. EXTENSION OF AUTHORITY FOR REIMBURSE-**
2 **MENT OF CERTAIN COALITION NATIONS FOR**
3 **SUPPORT PROVIDED TO UNITED STATES**
4 **MILITARY OPERATIONS.**

5 (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of
6 section 1233 of the National Defense Authorization Act
7 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
8 393), as most recently amended by section 1213 of the
9 National Defense Authorization Act for Fiscal Year 2012
10 (Public Law 112–81; 125 Stat. 1630), is further amend-
11 ed—

12 (1) by striking “for fiscal year 2012”; and

13 (2) by inserting “, during the period ending on
14 September 13, 2014,” after “Secretary of Defense”.

15 (b) **LIMITATION ON AMOUNT AVAILABLE.**—Sub-
16 section (d)(1) of such section is amended by striking “dur-
17 ing fiscal year 2012 may not exceed \$1,690,000,000” and
18 inserting “may not exceed \$1,750,000,000 during each of
19 fiscal year 2013 and 2014”.

20 (c) **SUPPORTED OPERATIONS.**—Such section is fur-
21 ther amended by striking “Operation Iraqi Freedom or”
22 in subsections (a)(1) and (b).

1 **TITLE XIII—OTHER**
2 **AUTHORIZATIONS**
3 **Subtitle A—Military Programs**

4 **SEC. 1301. WORKING CAPITAL FUNDS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2013 for the use of the Armed Forces and other
7 activities and agencies of the Department of Defense for
8 providing capital for the Defense Working Capital Funds
9 in the amount of \$1,516,184,000.

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

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2013 for the National Defense Sealift Fund
13 in the amount of \$608,136,000.

14 **SEC. 1303. JOINT URGENT OPERATIONAL NEEDS FUND.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2013 for the Joint Urgent Operational Needs
17 Fund in the amount of \$99,477,000.

18 **SEC. 1304. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
19 **TION, DEFENSE.**

20 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
21 are hereby authorized to be appropriated for the Depart-
22 ment of Defense for fiscal year 2013 for expenses, not oth-
23 erwise provided for, for Chemical Agents and Munitions
24 Destruction, Defense, in the amount of \$1,301,786,000,
25 of which—

1 (1) \$635,843,000 is for Operation and Mainte-
2 nance;

3 (2) \$647,351,000 is for Research, Development,
4 Test, and Evaluation; and

5 (3) \$18,592,000 is for Procurement.

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

8 (1) the destruction of lethal chemical agents
9 and munitions in accordance with section 1412 of
10 the Department of Defense Authorization Act, 1986
11 (50 U.S.C. 1521); and

12 (2) the destruction of chemical warfare materiel
13 of the United States that is not covered by section
14 1412 of such Act.

15 **SEC. 1305. DRUG INTERDICTION AND COUNTER-DRUG AC-**

16 **TIVITIES, DEFENSE-WIDE.**

17 Funds are hereby authorized to be appropriated for
18 the Department of Defense for fiscal year 2013 for ex-
19 penses, not otherwise provided for, for Drug Interdiction
20 and Counter-Drug Activities, Defense-wide, in the amount
21 of \$999,363,000.

22 **SEC. 1306. DEFENSE INSPECTOR GENERAL.**

23 Funds are hereby authorized to be appropriated for
24 the Department of Defense for fiscal year 2013 for ex-
25 penses, not otherwise provided for, for the Office of the

1 Inspector General of the Department of Defense, in the
2 amount of \$273,821,000, of which—

3 (1) \$272,821,000 is for Operation and Mainte-
4 nance; and

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

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

7 Funds are hereby authorized to be appropriated for
8 the Department of Defense for fiscal year 2013 for ex-
9 penses, not otherwise provided for, for the Defense Health
10 Program, in the amount of \$32,980,718,000, of which—

11 (1) \$31,801,279,000 is for Operation and
12 Maintenance;

13 (2) \$672,977,000 is for Research, Development,
14 Test, and Evaluation; and

15 (3) \$506,462,000 is for Procurement.

16 **Subtitle B—Other Matters**

17 **SEC. 1311. AUTHORIZATION OF APPROPRIATIONS FOR**
18 **ARMED FORCES RETIREMENT HOME.**

19 There is hereby authorized to be appropriated for fis-
20 cal year 2013 from the Armed Forces Retirement Home
21 Trust Fund the sum of \$67,590,000 for the operation of
22 the Armed Forces Retirement Home.

1 **SEC. 1312. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT**
2 **DEPARTMENT OF DEFENSE—DEPARTMENT OF**
3 **VETERANS AFFAIRS MEDICAL FACILITY DEM-**
4 **ONSTRATION FUND FOR CAPTAIN JAMES A.**
5 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

6 (a) **AUTHORITY FOR TRANSFER OF FUNDS.**—Of the
7 funds authorized to be appropriated for section 1307 and
8 available for the Defense Health Program for operation
9 and maintenance, \$139,204,000 may be transferred by the
10 Secretary of Defense to the Joint Department of Defense—
11 Department of Veterans Affairs Medical Facility Dem-
12 onstration Fund established by subsection (a)(1) of sec-
13 tion 1704 of the National Defense Authorization Act for
14 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
15 For purposes of subsection (a)(2) of such section 1704,
16 any funds so transferred shall be treated as amounts au-
17 thorized and appropriated specifically for the purpose of
18 such a transfer.

19 (b) **USE OF TRANSFERRED FUNDS.**—For the pur-
20 poses of subsection (b) of such section 1704, facility oper-
21 ations for which funds transferred under subsection (a)
22 may be used are operations of the Captain James A.
23 Lovell Federal Health Care Center, consisting of the
24 North Chicago Veterans Affairs Medical Center, the Navy
25 Ambulatory Care Center, and supporting facilities des-
26 ignated as a combined Federal medical facility under an

1 operational agreement covered by section 706 of the Dun-
2 can Hunter National Defense Authorization Act for Fiscal
3 Year 2009 (Public Law 110–417; 122 Stat. 4500).

4 **TITLE XIV—AUTHORIZATION OF**
5 **ADDITIONAL APPROPRIA-**
6 **TIONS FOR OVERSEAS CON-**
7 **TINGENCY OPERATIONS FOR**
8 **FISCAL YEAR 2013**

9 **SEC. 1401. PURPOSE.**

10 The purpose of this title is to authorize appropria-
11 tions for the Department of Defense for fiscal year 2013
12 to provide additional funds for overseas contingency oper-
13 ations being carried out by the Armed Forces.

14 **SEC. 1402. ARMY PROCUREMENT.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2013 for procurement for the Army in amounts
17 as follows:

18 (1) For aircraft procurement, \$486,200,000.

19 (2) For missile procurement, \$49,653,000.

20 (3) For weapons and tracked combat vehicles
21 procurement, \$15,422,000.

22 (4) For ammunition procurement,
23 \$357,493,000.

24 (5) For other procurement, \$2,015,907,000.

1 **SEC. 1403. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
2 **FUND.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2013 for the Joint Improvised Explosive Device
5 Defeat Fund in the amount of \$1,675,400,000.

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

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2013 for procurement for the Navy and Marine
9 Corps in amounts as follows:

10 (1) For aircraft procurement, Navy,
11 \$164,582,000.

12 (2) For weapons procurement, Navy,
13 \$23,500,000.

14 (3) For ammunition procurement, Navy and
15 Marine Corps, \$285,747,000.

16 (4) For other procurement, Navy, \$98,882,000.

17 (5) For procurement, Marine Corps,
18 \$943,683,000.

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

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2013 for procurement for the Air Force in
22 amounts as follows:

23 (1) For aircraft procurement, \$305,600,000.

24 (2) For ammunition procurement,
25 \$116,203,000.

26 (3) For missile procurement, \$34,350,000.

1 (4) For other procurement, \$2,818,270,000.

2 **SEC. 1406. JOINT URGENT OPERATIONAL NEEDS FUND.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2013 for the Joint Urgent Operational Needs
5 Fund in the amount of \$100,000,000.

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

7 Funds are hereby authorized to be appropriated for
8 fiscal year 2013 for the procurement account for Defense-
9 wide activities in the amount of \$196,349,000.

10 **SEC. 1408. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
11 **TION.**

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2013 for the use of the Department of Defense
14 for research, development, test, and evaluation as follows:

15 (1) For the Army, \$19,860,000.

16 (2) For the Navy, \$60,119,000.

17 (3) For the Air Force, \$53,150,000.

18 (4) For Defense-wide activities, \$112,387,000.

19 **SEC. 1409. OPERATION AND MAINTENANCE.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2013 for the use of the Armed Forces for ex-
22 penses, not otherwise provided for, for operation and
23 maintenance, in amounts as follows:

24 (1) For the Army, \$28,591,441,000.

25 (2) For the Navy, \$5,880,395,000.

1 (3) For the Marine Corps, \$4,066,340,000.

2 (4) For the Air Force, \$9,241,613,000.

3 (5) For Defense-wide activities,
4 \$7,824,579,000.

5 (6) For the Army Reserve, \$154,537,000.

6 (7) For the Navy Reserve, \$55,924,000.

7 (8) For the Marine Corps Reserve,
8 \$25,477,000.

9 (9) For the Air Force Reserve, \$120,618,000.

10 (10) For the Army National Guard,
11 \$382,448,000.

12 (11) For the Air National Guard, \$19,975,000.

13 (12) For the Afghanistan Security Forces
14 Fund, \$5,749,167,000.

15 (13) For the Afghanistan Infrastructure Fund,
16 \$400,000,000.

17 **SEC. 1410. MILITARY PERSONNEL.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2013 to the Department of Defense for military
20 personnel accounts in the total amount of
21 \$13,788,421,000.

22 **SEC. 1411. WORKING CAPITAL FUNDS.**

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 providing capital for working capital and revolving funds
2 in the amount of \$503,364,000.

3 **SEC. 1412. DEFENSE HEALTH PROGRAM.**

4 Funds are hereby authorized to be appropriated for
5 the Department of Defense for fiscal year 2013 for ex-
6 penses, not otherwise provided for, for the Defense Health
7 Program in the amount of \$993,898,000 for operation and
8 maintenance.

9 **SEC. 1413. DRUG INTERDICTION AND COUNTER-DRUG AC-**
10 **TIVITIES, DEFENSE-WIDE.**

11 Funds are hereby authorized to be appropriated for
12 the Department of Defense for fiscal year 2013 for ex-
13 penses, not otherwise provided for, for Drug Interdiction
14 and Counter-Drug Activities, Defense-wide in the amount
15 of \$469,025,000.

16 **SEC. 1414. DEFENSE INSPECTOR GENERAL.**

17 Funds are hereby authorized to be appropriated for
18 the Department of Defense for fiscal year 2013 for ex-
19 penses, not otherwise provided for, for the Office of the
20 Inspector General of the Department of Defense in the
21 amount of \$10,766,000.

22 **SEC. 1415. AFGHANISTAN SECURITY FORCES FUND.**

23 Funds available to the Department of Defense for the
24 Afghanistan Security Forces Fund for fiscal year 2013
25 shall be subject to the conditions contained in subsections

1 (b) through (g) of section 1513 of the National Defense
2 Authorization Act for Fiscal Year 2008 (Public Law 110–
3 181; 122 Stat. 428), as amended by section 1531(b) of
4 the Ike Skelton National Defense Authorization Act for
5 Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

6 **TITLE XV—MILITARY RETIRE-**
7 **MENT MODERNIZATION COM-**
8 **MISSION**

9 **SEC. 1501. SHORT TITLE.**

10 This title may be cited as the “Military Retirement
11 Modernization Commission Act”.

12 **SEC. 1502. PURPOSE.**

13 The purpose of this title is to establish a Commission
14 to review and make recommendations to modernize the
15 military retirement system to ensure that the system (1)
16 remains fiscally sustainable, and (2) supports the need to
17 recruit and retain the highest quality personnel required
18 for the Nation’s defense.

19 **SEC. 1503. DEFINITIONS.**

20 For the purposes of this title:

21 (1) The term “military retirement system”
22 means the provisions of law providing eligibility for
23 and the computation of—

24 (A) retired pay based upon service in the
25 uniformed services; and

1 (B) survivor annuities based upon such
2 service.

3 (2) The term “uniformed services” has the
4 meaning given that term in section 101(a)(5) of title
5 10, United States Code.

6 (3) The term “Secretary” means the Secretary
7 of Defense.

8 (4) The term “Commission” means the commis-
9 sion established under section 1504.

10 (5) The term “Commission establishment date”
11 means the first day of the first month beginning on
12 or after the date of the enactment of this Act.

13 (6) The terms “veterans service organization”
14 and “military-related advocacy group or association”
15 mean an organization the primary purpose of which
16 is to advocate for veterans, military personnel, mili-
17 tary retirees, or military families.

18 **SEC. 1504. ESTABLISHMENT OF MILITARY RETIREMENT**

19 **MODERNIZATION COMMISSION.**

20 (a) ESTABLISHMENT.—There is established in the ex-
21 ecutive branch an independent commission to be known
22 as the Military Retirement Modernization Commission.
23 The Commission shall be considered an independent estab-
24 lishment of the Federal Government as defined by section

1 104 of title 5, United States Code, and a temporary orga-
2 nization under section 3161 of such title.

3 (b) APPOINTMENT.—

4 (1)(A) The Commission shall be composed of
5 nine members appointed by the President. In select-
6 ing individuals for appointment to the Commission,
7 the President shall consult with—

8 (i) the Speaker of the House of Represent-
9 atives concerning the appointment of two mem-
10 bers;

11 (ii) the Majority Leader of the Senate con-
12 cerning the appointment of two members;

13 (iii) the Minority Leader of the House of
14 Representatives concerning the appointment of
15 one member; and

16 (iv) the Minority Leader of the Senate con-
17 cerning the appointment of one member.

18 (B) The President shall make appointments to
19 the Commission not later than 6 months after the
20 Commission establishment date.

21 (C) If the President does not make all appoint-
22 ments to the Commission on or before the date spec-
23 ified in subparagraph (B), the Commission shall be
24 terminated.

1 (2) At the time the President appoints the
2 members of the Commission, the President shall des-
3 ignate one of the members to be Chair of the Com-
4 mission. The individual designated as Chair of the
5 Commission shall be a person who has expertise in
6 the military retirement system. The Chair shall pre-
7 side over meetings of the Commission and be respon-
8 sible for establishing the agenda of Commission
9 meetings and hearings.

10 (c) QUALIFICATIONS.—

11 (1) In appointing individuals to the Commis-
12 sion, the President shall ensure that—

13 (A) there are members with significant ex-
14 pertise in Federal retirement systems, including
15 the military retirement system, private sector
16 retirement or human resource systems, and ac-
17 tuarial science; and

18 (B) at least three, but no more than four,
19 members have active-duty military experience,
20 including—

21 (i) at least one of whom has active-
22 duty experience as an enlisted member;
23 and

24 (ii) at least one of whom has experi-
25 ence as a member of a reserve component.

1 (2) The President may not appoint to the Com-
2 mission an individual who within the preceding year
3 has been employed by a veterans service organiza-
4 tion or military-related advocacy group or associa-
5 tion, and no member of the Commission may be a
6 member of such an organization, group, or associa-
7 tion.

8 (d) TERMS.—Members shall be appointed for the life
9 of the Commission (subject to subsection (c)(2)). A va-
10 cancy in the Commission shall not affect its powers, and
11 shall be filled in the same manner as the original appoint-
12 ment was made.

13 (e) MEETINGS.—

14 (1) The Commission shall hold its initial meet-
15 ing not later than 30 days after the date as of which
16 all members have been appointed.

17 (2) After its initial meeting, the Commission
18 shall meet upon the call of the Chair or a majority
19 of its members.

20 (f) QUORUM.—Five members of the Commission shall
21 constitute a quorum, but a lesser number may hold hear-
22 ings.

23 (g) STATUS AS FEDERAL EMPLOYEES.—Notwith-
24 standing the requirements under section 2105 of title 5,
25 United States Code, including the required supervision

1 under subsection (a)(3) of such section, the members of
2 the Commission shall be deemed Federal employees.

3 **SEC. 1505. COMMISSION HEARINGS AND MEETINGS.**

4 (a) HEARINGS AND MEETINGS.—

5 (1) HEARINGS.—The Commission shall conduct
6 hearings on the recommendations it is taking under
7 consideration. Any such hearing, except a hearing in
8 which classified information is to be considered, shall
9 be open to the public. Any hearing open to the pub-
10 lic shall be announced on a Federal website at least
11 14 days in advance. For all hearings open to the
12 public, the Commission shall release an agenda and
13 a listing of materials relevant to the topics to be dis-
14 cussed.

15 (2) MEETINGS.—Each meeting of the Commis-
16 sion shall be held in public unless any member ob-
17 jects.

18 (b) PUBLIC COMMENTS.—

19 (1) The Commission shall seek written com-
20 ments from the general public and interested parties
21 on measures to modernize the military retirement
22 system. Comments shall be requested through a so-
23 licitation in the Federal Register and announcement
24 on the Commission's website.

1 (2) The period for the submission of comments
2 pursuant to the solicitation under paragraph (1)
3 shall end not earlier than 30 days after the date of
4 the solicitation and shall end on or before the date
5 on which the Secretary transmits the Secretary's
6 recommendations to the Commission under section
7 1506(b).

8 (3) The Commission shall consider the com-
9 ments submitted under this subsection when devel-
10 oping its recommendations.

11 **SEC. 1506. PRINCIPLES AND PROCEDURE FOR COMMISSION**
12 **RECOMMENDATIONS.**

13 (a) PRINCIPLES.—

14 (1) CONTEXT OF COMMISSION REVIEW.—The
15 Commission shall conduct a review of the military
16 retirement system in the context of all elements of
17 the current military compensation system, force
18 management objectives, and changes in life expect-
19 ancy and the labor force.

20 (2) DEVELOPMENT OF COMMISSION REC-
21 COMMENDATIONS.—

22 (A) CONSISTENCY WITH PRESIDENTIAL
23 PRINCIPLES.—The Commission shall develop
24 recommendations for modernizing the military
25 retirement system that are consistent with prin-

1 principles established by the President under para-
2 graph (3).

3 (B) GRANDFATHERING.—The Commis-
4 sion’s recommendations may not apply to any
5 person who first becomes a member of a uni-
6 formed service before the date of the enactment
7 of a military retirement modernization bill pur-
8 suant to this title (except that such rec-
9 ommendations may include provisions allowing
10 for such a member to make a voluntary election
11 to be covered by some or all of the provisions
12 of such recommendations).

13 (3) PRESIDENTIAL PRINCIPLES.—Not later
14 than 5 months after the Commission establishment
15 date, the President shall establish and transmit to
16 the Commission and the Congress principles for
17 modernizing the military retirement system. The
18 principles established by the President shall address
19 the following:

20 (A) Maintaining recruitment and retention
21 of the best military personnel.

22 (B) Modernizing the active and reserve
23 military retirement systems.

24 (C) Differentiating between active and re-
25 serve military service.

1 (D) Assisting with force management.

2 (E) Ensuring budget savings.

3 (b) SECRETARY OF DEFENSE RECOMMENDATIONS.—

4 (1) IN GENERAL.—Not later than 9 months
5 after the Commission establishment date, the Sec-
6 retary shall transmit to the Commission the Sec-
7 retary's recommendations for military retirement
8 modernization. The Secretary shall concurrently
9 transmit the recommendations to Congress.

10 (2) DEVELOPMENT OF RECOMMENDATIONS.—

11 The Secretary shall develop the Secretary's rec-
12 ommendations under paragraph (1)—

13 (A) on the basis of the principles estab-
14 lished by the President pursuant to subsection
15 (a)(3); and

16 (B) in consultation with the Director of
17 the Office of Management and Budget.

18 (3) JUSTIFICATION.—The Secretary shall in-
19 clude with the recommendations under paragraph
20 (1) the Secretary's justification for each rec-
21 ommendation.

22 (4) AVAILABILITY OF INFORMATION.—The Sec-
23 retary shall make available to the Commission and
24 to Congress the information used by the Secretary

1 to prepare the Secretary's recommendations under
2 paragraph (1).

3 (c) COMMISSION HEARINGS ON SECRETARY'S REC-
4 OMMENDATIONS.—After receiving from the Secretary the
5 Secretary's recommendations for military retirement mod-
6 ernization pursuant to subsection (b), the Commission
7 shall conduct public hearings on those recommendations.

8 (d) COMMISSION REPORT AND RECOMMENDA-
9 TIONS.—

10 (1) REPORT.—Not later than 15 months after
11 the Commission establishment date, the Commission
12 shall transmit to the President a report containing
13 the Commission's findings and conclusions, together
14 with the Commission's recommendations for the
15 modernization of the military retirement system.
16 The Commission shall include in the report legisla-
17 tive language to implement the Commission's rec-
18 ommendations. The findings and conclusions in the
19 report shall be based on the Commission's review
20 and analysis of the recommendations of the Sec-
21 retary.

22 (2) REQUIREMENT FOR APPROVAL.—The Com-
23 mission's recommendations must be approved by at
24 least five members of the Commission before the rec-

1 ommendations may be transmitted to the President
2 under paragraph (1).

3 (3) PROCEDURES FOR CHANGING REC-
4 COMMENDATIONS OF SECRETARY.—The Commission
5 may make a change described in paragraph (4) in
6 the recommendations made by the Secretary only if
7 the Commission—

8 (A) determines that the change is con-
9 sistent with the principles established by the
10 President under subsection (a)(3);

11 (B) publishes a notice of the proposed
12 change not less than 45 days before transmit-
13 ting its recommendations to the President pur-
14 suant to paragraph (1); and

15 (C) conducts a public hearing on the pro-
16 posed change.

17 (4) COVERED CHANGES.—Paragraph (3) ap-
18 plies to a change by the Commission in the Sec-
19 retary's recommendations that would—

20 (A) add a new recommendation;

21 (B) delete a recommendation; or

22 (C) substantially change a recommenda-
23 tion.

24 (5) EXPLANATION AND JUSTIFICATION FOR
25 CHANGES.—The Commission shall explain and jus-

1 tify in its report submitted to the President under
2 paragraph (1) any recommendation made by the
3 Commission that is different from the recommenda-
4 tions made by the Secretary pursuant to subsection
5 (b).

6 (6) TRANSMITTAL TO CONGRESS.—The Com-
7 mission shall transmit a copy of its report to the
8 Congress on the same date on which it transmits its
9 report to the President under paragraph (1).

10 **SEC. 1507. PRESIDENTIAL AND CONGRESSIONAL CONSID-**
11 **ERATION OF COMMISSION RECOMMENDA-**
12 **TIONS.**

13 (a) REVIEW BY THE PRESIDENT.—

14 (1) REPORT OF PRESIDENTIAL APPROVAL OR
15 DISAPPROVAL.—Not later than 60 days after the
16 date on which the Commission transmits its report
17 to the President under section 1506(d), the Presi-
18 dent shall transmit to the Commission and to Con-
19 gress a report containing the President’s approval or
20 disapproval of the Commission’s recommendations in
21 the report.

22 (2) PRESIDENTIAL APPROVAL.—If in the report
23 under paragraph (1) the President approves all the
24 recommendations of the Commission, the President
25 shall include with the report the following:

1 (A) A copy of the recommendations of the
2 Commission.

3 (B) The President's certification of the
4 President's approval of each recommendation.

5 (C) The legislative language transmitted
6 by the Commission to the President as part of
7 the report of the Commission under section
8 1506(d)(1).

9 (3) PRESIDENTIAL DISAPPROVAL.—

10 (A) REASONS FOR DISAPPROVAL.—If in
11 the report under paragraph (1) the President
12 disapproves the recommendations of the Com-
13 mission, in whole or in part, the President shall
14 include in the report the reasons for that dis-
15 approval.

16 (B) REVISED RECOMMENDATIONS FROM
17 COMMISSION.—The Commission shall then
18 transmit to the President, not later than one
19 month after the date of the report of the Presi-
20 dent under paragraph (1), revised recommenda-
21 tions for the modernization of the military re-
22 tirement system, together with revised legisla-
23 tive language to implement the Commission's
24 revised recommendations.

1 (4) 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 (3)(B), the President shall
5 transmit to Congress, not later than one month after
6 receiving the revised recommendations, the following:

7 (A) A copy of such revised recommenda-
8 tions.

9 (B) The President's certification of the
10 President's approval of each recommendation as
11 so revised.

12 (C) The revised legislative language trans-
13 mitted to the President under paragraph
14 (3)(B).

15 (5) TERMINATION OF COMMISSION.—If the
16 President does not transmit to Congress an approval
17 and certification described in paragraph (2) or (4)
18 in accordance with the applicable deadline under
19 such paragraph, the Commission shall be terminated
20 not later than one month after the expiration of the
21 period for transmittal of a report under paragraph
22 (4).

23 (b) CONGRESSIONAL CONSIDERATION.—

24 (1) RULEMAKING.—The provisions of this sub-
25 section are enacted by Congress—

1 (A) as an exercise of the rulemaking power
2 of the Senate and the House of Representa-
3 tives, respectively, and as such they shall be
4 considered as part of the rules of each House,
5 respectively, or of that House to which they
6 specifically apply, and such rules supersede
7 other rules only to the extent that they are in-
8 consistent therewith; and

9 (B) with full recognition of the constitu-
10 tional right of either House to change such
11 rules (so far as relating to the procedure of that
12 House) at any time, in the same manner and
13 to the same extent as in the case of any other
14 rule of that House.

15 (2) MILITARY RETIREMENT MODERNIZATION
16 BILL.—For the purpose of this subsection, the term
17 “military retirement modernization bill” means only
18 a bill consisting of the proposed legislative language
19 recommended by the Commission and submitted to
20 Congress by the President pursuant to subsection
21 (a).

22 (3) INTRODUCTION OF LEGISLATIVE PROPOSAL
23 IN HOUSE AND SENATE.—If the President transmits
24 to Congress under subsection (a) a copy of the rec-
25 ommendations of the Commission (including the leg-

1 islative language recommended by the Commission),
2 together with a certification of the President's ap-
3 proval of those recommendations, the proposed legis-
4 lative language recommended by the Commission
5 and submitted to Congress by the President pursu-
6 ant to that subsection—

7 (A) shall be introduced in the Senate (by
8 request) on the next day on which the Senate
9 is in session by the chairman of the Committee
10 on Armed Services of the Senate; and

11 (B) shall be introduced in the House of
12 Representatives (by request) on the next legisla-
13 tive day by the chair of the Committee on
14 Armed Services of the House.

15 (4) CONSIDERATION IN THE HOUSE OF REP-
16 RESENTATIVES.—

17 (A) REFERRAL AND REPORTING.—Any
18 committee of the House of Representatives to
19 which the military retirement modernization bill
20 is referred shall report it to the House without
21 amendment not later than the end of the 60-
22 day period beginning on the date on which the
23 bill is introduced. If a committee fails to report
24 the Commission bill to the House within that
25 period, it shall be in order to move that the

1 House discharge the committee from further
2 consideration of the bill. Such a motion shall
3 not be in order after the last committee author-
4 ized to consider the bill reports it to the House
5 or after the House has disposed of a motion to
6 discharge the bill. The previous question shall
7 be considered as ordered on the motion to its
8 adoption without intervening motion except 20
9 minutes of debate equally divided and controlled
10 by the proponent and an opponent. If such a
11 motion is adopted, the House shall proceed im-
12 mediately to consider the Commission bill in ac-
13 cordance with subparagraphs (B) and (C). A
14 motion to reconsider the vote by which the mo-
15 tion is disposed of shall not be in order.

16 (B) PROCEEDING TO CONSIDERATION.—
17 After the last committee authorized to consider
18 a military retirement modernization bill reports
19 it to the House or has been discharged (other
20 than by motion) from its consideration, it shall
21 be in order to move to proceed to consider the
22 military retirement modernization bill in the
23 House. Such a motion shall not be in order
24 after the House has disposed of a motion to
25 proceed with respect to the military retirement

1 modernization bill. The previous question shall
2 be considered as ordered on the motion to its
3 adoption without intervening motion. A motion
4 to reconsider the vote by which the motion is
5 disposed of shall not be in order.

6 (C) CONSIDERATION.—The military retire-
7 ment modernization bill shall be considered as
8 read. All points of order against the bill and
9 against its consideration are waived. The pre-
10 vious question shall be considered as ordered on
11 the bill to its passage without intervening mo-
12 tion except two hours of debate equally divided
13 and controlled by the proponent and an oppo-
14 nent and one motion to limit debate on the bill.
15 A motion to reconsider the vote on passage of
16 the bill shall not be in order.

17 (D) VOTE ON PASSAGE.—The vote on pas-
18 sage of the military retirement modernization
19 bill shall occur not later than the end of the 90-
20 day period beginning on the date on which the
21 bill is introduced.

22 (5) EXPEDITED PROCEDURE IN THE SENATE.—

23 (A) COMMITTEE CONSIDERATION.—A mili-
24 tary retirement modernization bill introduced in
25 the Senate under subsection (a) shall be jointly

1 referred to the committee or committees of ju-
2 risdiction, which committees shall report the bill
3 without any revision and with a favorable rec-
4 ommendation, an unfavorable recommendation,
5 or without recommendation, not later than the
6 end of the 60-day period beginning on the date
7 on which the bill is introduced. If any com-
8 mittee fails to report the bill within that period,
9 that committee shall be automatically dis-
10 charged from consideration of the bill, and the
11 bill shall be placed on the appropriate calendar.

12 (B) MOTION TO PROCEED.—Notwith-
13 standing rule XXII of the Standing Rules of
14 the Senate, it is in order, not later than two
15 days of session after the date on which a mili-
16 tary retirement modernization bill is reported or
17 discharged from all committees to which it was
18 referred, for the majority leader of the Senate
19 or the majority leader's designee to move to
20 proceed to the consideration of the military re-
21 tirement modernization bill. It shall also be in
22 order for any Member of the Senate to move to
23 proceed to the consideration of the military re-
24 tirement modernization bill at any time after
25 the conclusion of such two-day period. A motion

1 to proceed is in order even though a previous
2 motion to the same effect has been disagreed
3 to. All points of order against the motion to
4 proceed to the military retirement moderniza-
5 tion bill are waived. The motion to proceed is
6 not debatable. The motion is not subject to a
7 motion to postpone. A motion to reconsider the
8 vote by which the motion is agreed to or dis-
9 agreed to shall not be in order. If a motion to
10 proceed to the consideration of the military re-
11 tirement modernization bill is agreed to, the
12 military retirement modernization bill shall re-
13 main the unfinished business until disposed of.

14 (C) CONSIDERATION.—All points of order
15 against the military retirement modernization
16 bill and against consideration of the bill are
17 waived. Consideration of the bill and of all de-
18 batable motions and appeals in connection
19 therewith shall not exceed a total of 10 hours
20 which shall be divided equally between the ma-
21 jority and minority leaders or their designees. A
22 motion further to limit debate on the bill is in
23 order, shall require an affirmative vote of three-
24 fifths of the Members duly chosen and sworn,
25 and is not debatable. Any debatable motion or

1 appeal is debatable for not to exceed one hour,
2 to be divided equally between those favoring
3 and those opposing the motion or appeal. All
4 time used for consideration of the bill, including
5 time used for quorum calls and voting, shall be
6 counted against the total 10 hours of consider-
7 ation.

8 (D) NO AMENDMENTS.—An amendment to
9 the Commission bill, or a motion to postpone,
10 or a motion to proceed to the consideration of
11 other business, or a motion to recommit the
12 Commission bill, is not in order.

13 (E) VOTE ON PASSAGE.—If the Senate has
14 voted to proceed to the military retirement
15 modernization bill, the vote on passage of the
16 bill shall occur immediately following the con-
17 clusion of the debate on a military retirement
18 modernization bill, and a single quorum call at
19 the conclusion of the debate if requested. The
20 vote on passage of the bill shall occur not later
21 than the end of the 90-day period beginning on
22 the date on which the bill is introduced.

23 (F) RULINGS OF THE CHAIR ON PROCE-
24 DURE.—Appeals from the decisions of the Chair
25 relating to the application of the rules of the

1 Senate, as the case may be, to the procedure re-
2 lating to a military retirement modernization
3 bill shall be decided without debate.

4 (6) AMENDMENT.—The military retirement
5 modernization bill shall not be subject to amendment
6 in either the House of Representatives or the Sen-
7 ate.

8 (7) CONSIDERATION BY THE OTHER HOUSE.—
9 If, before passing the military retirement moderniza-
10 tion bill, one House receives from the other a mili-
11 tary retirement modernization bill—

12 (A) the military retirement modernization
13 bill of the other House shall not be referred to
14 a committee; and

15 (B) the procedure in the receiving House
16 shall be the same as if no military retirement
17 modernization bill had been received from the
18 other House until the vote on passage, when the
19 military retirement modernization bill received
20 from the other House shall supplant the mili-
21 tary retirement modernization bill of the receiv-
22 ing House.

1 **SEC. 1508. AUTHORIZATION OF APPROPRIATIONS AND**
2 **FUNDING.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Commission such
5 funds as are necessary to carry out its duties under this
6 title.

7 (b) AVAILABILITY OF FUNDS.—Funds appropriated
8 or otherwise made available to the Commission to carry
9 out its duties under this title shall remain available until
10 expended.

11 (c) FISCAL YEAR 2013.—In fiscal year 2013, the
12 Secretary may transfer not more than \$10,000,000 from
13 unobligated funds of the Department of Defense remain-
14 ing available for obligation in that fiscal year to the Com-
15 mission to carry out its duties under this title. Funds
16 transferred under the preceding sentence shall remain
17 available until expended.

18 **SEC. 1509. PAY FOR MEMBERS OF THE COMMISSION.**

19 (a) IN GENERAL.—Each member, other than the
20 Chair, of the Commission shall be paid at a rate equal
21 to the daily equivalent of the annual rate of basic pay pay-
22 able for level IV of the Executive Schedule under section
23 5315 of title 5, United States Code, for each day (includ-
24 ing travel time) during which the member is engaged in
25 the actual performance of duties vested in the Commis-
26 sion.

1 (b) CHAIR.—The Chair of the Commission shall be
2 paid at a rate equal to the daily equivalent of the annual
3 rate of basic pay payable for level III of the Executive
4 Schedule under section 5314, of title 5, United States
5 Code, for each day (including travel time) during which
6 the member is engaged in the actual performance of duties
7 vested in the Commission.

8 **SEC. 1510. EXECUTIVE DIRECTOR.**

9 (a) APPOINTMENT.—The Commission shall appoint
10 and fix the rate of basic pay for an Executive Director
11 in accordance with section 3161 of title 5, United States
12 Code.

13 (b) LIMITATIONS.—The Executive Director may not
14 have served on active duty in the Armed Forces or as a
15 civilian employee of the Department of Defense during the
16 one-year period preceding the date of such appointment
17 and may not have been employed by a veterans service
18 organization or a military-related advocacy group or asso-
19 ciation during that one-year period.

20 **SEC. 1511. STAFF.**

21 (a) IN GENERAL.—Subject to subsections (b) and (c),
22 the Executive Director, with the approval of the Commis-
23 sion, may appoint and fix the rate of basic pay for addi-
24 tional personnel as staff of the Commission in accordance
25 with section 3161 of title 5, United States Code.

1 (b) LIMITATIONS ON STAFF.—(1) Not more than
2 one-third of the personnel employed by or detailed to the
3 Commission may be on detail from the Department of De-
4 fense.

5 (2) A person may not be detailed from the Depart-
6 ment of Defense to the Commission if, in the year before
7 the detail is to begin, that person participated personally
8 and substantially in any matter within the Department of
9 Defense concerning the preparation of recommendations
10 for military retirement modernization.

11 (3) Not more than one-fourth of the personnel em-
12 ployed by or detailed to the Commission may be persons
13 eligible for or receiving military retired pay.

14 (4) A person may not be employed by or detailed to
15 the Commission if, in the year before the employment or
16 detail is to begin, that person was employed by a veterans
17 service organization or a military-related advocacy group
18 or association.

19 (c) LIMITATIONS ON PERFORMANCE REVIEWS.—No
20 member of the Armed Forces, and no officer or employee
21 of the Department of Defense, may—

22 (1) prepare any report concerning the effective-
23 ness, fitness, or efficiency of the performance of the
24 staff of the Commission or any person detailed from
25 the Department of Defense to that staff;

1 (2) review the preparation of such a report; or

2 (3) approve or disapprove such a report.

3 **SEC. 1512. CONTRACTING AUTHORITY.**

4 The Commission may lease space and acquire per-
5 sonal property to the extent funds are available.

6 **SEC. 1513. JUDICIAL REVIEW PRECLUDED.**

7 The following shall not be subject to judicial review:

8 (1) Actions of the President, the Secretary, and
9 the Commission under section 1506.

10 (2) Actions of the President under section
11 1507(a).

12 **SEC. 1514. TERMINATION.**

13 The Commission shall terminate not later than 26
14 months after the Commission establishment date.

15 **TITLE XVI—BENEFITS FOR FED-**
16 **ERAL CIVILIAN EMPLOYEES**
17 **IN ZONES OF ARMED CON-**
18 **FLICT**

19 **SEC. 1601. SHORT TITLE.**

20 This title may be cited as the “Federal Civilian Em-
21 ployees in Zones of Armed Conflict Benefits Act of 2012”.

22 **SEC. 1602. DEFINITION OF DESIGNATED ZONE OF ARMED**
23 **CONFLICT.**

24 Section 102 of the Foreign Service Act of 1980 (22
25 U.S.C. 3902) is amended—

1 (1) by redesignating paragraphs (5) through
2 (12) as paragraphs (6) through (13), respectively;
3 and

4 (2) by inserting after paragraph (4) the fol-
5 lowing new paragraph:

6 “(5) ‘designated zone of armed conflict’ means
7 a foreign country or other foreign geographic area
8 outside of the United States (as that term is defined
9 in section 202(7) of the State Department Basic Au-
10 thorities Act of 1956 (22 U.S.C. 4302(7)) that is
11 designated by the Secretary of State, in coordination
12 with the Secretary of Defense, as an area where
13 there are exceptional levels of armed violence. Any
14 such designation shall be communicated to affected
15 civilian agencies. In making such a designation, the
16 Secretary of State may consider—

17 “(A) whether the Armed Forces of the
18 United States are involved in hostilities in the
19 country or area;

20 “(B) whether the incidence of civil insur-
21 rection, civil war, terrorism, or wartime condi-
22 tions threatens physical harm or imminent dan-
23 ger to the health or well-being of United States
24 civilian employees in the country or area;

1 “(C) whether the country or area has been
2 designated a combat zone by the President
3 under section 112(c) of the Internal Revenue
4 Code of 1986 (26 U.S.C. 112(c));

5 “(D) whether a contingency operation in-
6 volving combat operations directly affects civil-
7 ian employees in the country or area; or

8 “(E) any other relevant conditions and fac-
9 tors.”.

10 **SEC. 1603. BENEFITS FOR EMPLOYEES IN DESIGNATED**
11 **ZONES OF ARMED CONFLICT.**

12 (a) IN GENERAL.—Chapter 59 of title 5, United
13 States Code, is amended—

14 (1) by amending the chapter heading to read as
15 follows:

16 **“CHAPTER 59—ALLOWANCES, SPECIAL**
17 **PAYMENTS, AND BENEFITS”;**

18 (2) by adding at the end the following new sub-
19 chapter:

20 **“SUBCHAPTER V—BENEFITS FOR EMPLOYEES**
21 **IN DESIGNATED ZONES OF ARMED CONFLICT**

22 **“§ 5951. Definitions**

23 “For the purposes of this subchapter—

24 “(1) ‘assigned to duty in’ refers to an employee
25 who is officially assigned to work or duty (including

1 serving on temporary duty) in a designated zone of
2 armed conflict, which may include short periods
3 away from the zone to perform work in connection
4 with the assignment, subject to any limitations or
5 requirements established by regulation or official
6 policy;

7 “(2) ‘designated zone of armed conflict’ has the
8 meaning given that term in section 102 of the For-
9 eign Service Act of 1980 (22 U.S.C. 3902(5));

10 “(3) ‘Director’ means the Director of the Office
11 of Personnel Management;

12 “(4) ‘Executive agency’ has the meaning given
13 that term in section 105 but does not include the
14 Government Accountability Office;

15 “(5) ‘healthcare provider’ means—

16 “(A) a physician (including a mental
17 health physician);

18 “(B) a physician’s assistant, nurse practi-
19 tioner, or advanced practice nurse;

20 “(C) a mental health practitioner;

21 “(D) a member of the Armed Forces who
22 is an independent duty corpsman, an inde-
23 pendent duty medical technician, or a Special
24 Forces medical sergeant; and

1 “(E) any other person in a healthcare pro-
2 vider category designated by the Secretary of
3 State or Secretary of Defense;

4 “(6) ‘pre-deployment health assessment’ means
5 an evaluation by a healthcare provider to determine
6 if an employee meets the requirements for deploy-
7 ment outside the United States and to identify any
8 need for medical care;

9 “(7) ‘post-deployment health assessment’ means
10 an evaluation by a healthcare provider to assess an
11 employee’s physical and mental health following a
12 deployment outside the United States and to identify
13 any need for medical care; and

14 “(8) ‘United States’ has the meaning given that
15 term in section 202(7) of the State Department
16 Basic Authorities Act of 1956 (22 U.S.C. 4302(7)).

17 **“§ 5952. Authority to grant allowances, benefits, and**
18 **gratuities**

19 “(a) The Secretary of State may require the head of
20 an Executive agency to provide to an employee assigned
21 to duty in a designated zone of armed conflict such allow-
22 ances, benefits, and gratuities under sections 413, 901,
23 902, and 906 of the Foreign Service Act of 1980 (22
24 U.S.C. 3973, 4081, 4082, and 4086) as are prescribed
25 in regulation by the Secretary.

1 “(b) The authority in subsection (a) may not be used
2 to provide benefits that are similar to those provided in
3 sections 5955 and 5956.

4 **“§ 5953. Pre- and post-deployment health assessments**

5 “The head of an Executive agency shall establish a
6 pre-deployment health assessment and post-deployment
7 health assessment program for employees assigned to duty
8 in designated zones of armed conflict. Programs imple-
9 mented after the date of the enactment of this section pur-
10 suant to the preceding sentence or other comparable agen-
11 cy-level authority existing before that date shall be carried
12 out consistent with any regulations prescribed by the Sec-
13 retary of State or the Secretary of Defense, as determined
14 appropriate by mission requirements.

15 **“§ 5954. Special pay for certain employees**

16 “(a) The Secretary of State may require the head of
17 an Executive agency to provide, subject to regulations pre-
18 scribed under subsection (d), special pay to Foreign Serv-
19 ice officers and members of the Senior Foreign Service
20 assigned to duty in a designated zone of armed conflict
21 who perform additional work on a recurring basis in sub-
22 stantial excess of normal requirements.

23 “(b) The Director may require the head of an Execu-
24 tive agency to provide, subject to regulations prescribed
25 under subsection (d), special pay to an employee (other

1 than a member of the Foreign Service) assigned to duty
2 in a designated zone of armed conflict when the em-
3 ployee—

4 “(1) is not covered by the overtime and other
5 premium pay provisions of subchapter V of chapter
6 55 or similar premium pay authority; and

7 “(2) performs additional work on a recurring
8 basis in substantial excess of normal requirements.

9 “(c) Special payments under this section are in addi-
10 tion to compensation otherwise authorized and are not
11 considered to be basic pay for any purpose, nor shall they
12 be used in computing lump-sum payments for accumu-
13 lated and accrued annual leave under section 5551. No
14 special payments may be authorized which, when added
15 to an employee’s basic pay, would result in a total amount
16 payable for any calendar year in excess of the annual rate
17 of salary payable to the Vice President under section 104
18 of title 3.

19 “(d) The Director and the Secretary of State shall
20 each prescribe regulations to carry out this section, includ-
21 ing regulations providing for any employee exclusions, eli-
22 gibility requirements, criteria and certification for special
23 payments, payment rates and methods, and effective
24 dates.

1 **“§ 5955. Rest and recuperation travel**

2 “(a) Subject to any regulations the Secretary of State
3 may prescribe, the Secretary may require the head of an
4 Executive agency to pay the travel and related expenses
5 for rest and recuperation travel for an employee who is
6 a United States citizen assigned to duty in a designated
7 zone of armed conflict and who is granted recuperation
8 leave under section 6392 and, if applicable, for members
9 of the employee’s family accompanying the employee in the
10 designated zone of armed conflict.

11 “(b) Rest and recuperation travel under subsection
12 (a) shall be provided to the same extent and subject to
13 the same conditions as such travel is provided to members
14 of the Foreign Service under section 901(6) of the Foreign
15 Service Act of 1980 (22 U.S.C. 4081(6)), except that, sub-
16 ject to any regulations the Secretary of State may pre-
17 scribe, the head of an Executive agency, in that agency
18 head’s sole discretion, may in extraordinary circumstances
19 waive any or all conditions on rest and recuperation travel
20 set forth in that section.

21 **“§ 5956. Emergency visitation travel**

22 “(a) Subject to regulations the Secretary of State
23 shall prescribe, the Secretary may require the head of an
24 Executive agency to pay the travel and related expenses
25 for round-trip travel to or from an employee’s duty loca-
26 tion or temporary duty station for purposes of family visi-

1 tation in an emergency situation involving personal hard-
2 ship, including the serious illness, injury, or death of the
3 employee or a family member, if the head of the agency
4 determines that the criteria in those regulations are met.

5 “(b) Payments under subsection (a) may be provided
6 only for the travel of an employee who is assigned to duty
7 in a designated zone of armed conflict at the time the
8 emergency situation arises or for the travel of the family
9 members of such employee.

10 **“§ 5957. Locality payments**

11 “(a)(1) Notwithstanding section 5304, the head of an
12 Executive agency shall pay, out of available resources, to
13 an employee assigned to duty in a designated zone of
14 armed conflict a locality payment as provided in this sec-
15 tion and in any regulations the Director may prescribe.
16 The Director may prescribe a minimum period during
17 which an employee is required to remain in a designated
18 zone of armed conflict in order to be eligible to receive
19 such a locality payment.

20 “(2) For the purpose of this section, ‘employee’
21 means—

22 “(A) an employee in a General Schedule posi-
23 tion to which subchapter III of chapter 53 applies;

24 “(B) a member of the Foreign Service who is
25 designated class 1 or below for purposes of section

1 403 of the Foreign Service Act of 1980 (22 U.S.C.
2 3963); and

3 “(C) an employee in a position for which local-
4 ity-based comparability payments under section
5 5304 have been approved under subsection (h) of
6 that section or otherwise authorized by law.

7 “(b) The percentage amount used to compute the lo-
8 cality payment paid under this section shall be determined
9 as follows:

10 “(1) The percentage amount shall equal the
11 higher of—

12 “(A) the applicable locality-based com-
13 parability payment percentage authorized under
14 section 5304 for the employee’s official work-
15 site; or

16 “(B) the locality-based comparability pay-
17 ment percentage authorized under section 5304
18 for Washington, DC.

19 “(2) If the employee’s official worksite is not
20 covered by a locality-based comparability payment
21 authorized under section 5304, the locality payment
22 percentage under this section shall equal the locality-
23 based comparability payment percentage authorized
24 under section 5304 for Washington, DC.

1 “(c) Except as otherwise provided in this section and
2 any regulations the Director may prescribe, a locality pay-
3 ment under this section is subject to the provisions of sec-
4 tion 5304, including the limitations under subsection (g)
5 of that section. A locality payment under this section is
6 paid in lieu of any locality-based comparability payment
7 that would otherwise be payable under section 5304 or
8 similar locality pay authority.

9 “(d) A locality payment under this section shall be
10 considered to be part of basic pay for the same purposes
11 that a locality-based comparability payment under section
12 5304 is considered to be part of basic pay, for the purpose
13 of computing post differentials under section 5925(a) and
14 danger pay allowances under section 5928, and for such
15 other purposes as the Director may prescribe by regula-
16 tion.

17 “(e) Nothing in this section shall affect any authority
18 of any agency to pay a locality-based comparability pay-
19 ment under section 5304, or a similar locality payment
20 under any other provision of law, to an employee who is
21 assigned to duty in a location outside a designated zone
22 of armed conflict.

1 **“§ 5958. Traumatic injury gratuity for qualifying inju-**
2 **ries**

3 “(a) The United States shall pay, out of available re-
4 sources, a traumatic injury gratuity to each eligible em-
5 ployee who sustains a qualifying traumatic injury. Such
6 payment shall be made promptly upon receiving official
7 notification from the relevant agency that the employee
8 has incurred that injury.

9 “(b) For purposes of this section—

10 “(1) an eligible employee is an employee who
11 sustains a qualifying traumatic injury on or after
12 the date of enactment of this section in the perform-
13 ance of duty in a designated zone of armed conflict;
14 and

15 “(2) a qualifying traumatic injury is a trau-
16 matic injury that results in a loss that is a ‘quali-
17 fying loss’ under subsection (b) of section 1980A of
18 title 38. The provisions of paragraph (3) of that
19 subsection and of subsection (c)(2) of that section,
20 including the regulations prescribed hereunder, shall
21 apply for purposes of this section.

22 “(c) Notwithstanding subsections (a) and (b)(1), the
23 head of an Executive agency, in that agency head’s sole
24 discretion, may grant a payment under subsection (a) to
25 an employee who sustained a qualifying traumatic injury
26 on or after November 30, 2005, and before the date speci-

1 fied in subsection (b)(1) in connection with the employee’s
2 service with an Armed Force in the theater of operations
3 of Operation Enduring Freedom, Operation Iraqi Free-
4 dom, or Operation New Dawn.

5 “(d)(1) The amount of a gratuity payment paid to
6 an employee under this section shall be the applicable
7 amount in effect under the schedule prescribed pursuant
8 to subsection (d) of section 1980A of title 38 for the quali-
9 fying traumatic injury sustained by the employee. If an
10 employee suffers more than one loss that is a ‘qualifying
11 loss’ under section 1980A(b) of title 38 as a result of trau-
12 matic injury from the same traumatic event, payment
13 shall be made under this section in accordance with the
14 schedule prescribed pursuant to such subsection (d) for
15 the single loss providing the highest payment.

16 “(2) Notwithstanding paragraph (1), the amount of
17 a gratuity payment under this section paid to locally em-
18 ployed staff employed outside the United States may be
19 less than the amount that would otherwise be paid under
20 this section, consistent with prevailing compensation prac-
21 tices, as determined by the Secretary of State in coordina-
22 tion with the head of the employing agency and the admin-
23 istrator of the program under subsection (e)(1).

1 “(e)(1) The Secretary of Defense, or the head of such
2 other Executive agency as the President designates, shall
3 administer the program under this section.

4 “(2) When the administrator of the program under
5 paragraph (1) makes a gratuity payment under this sec-
6 tion to an employee of another agency, that employee’s
7 agency shall reimburse the administrator’s agency for the
8 amount of the payment and for administrative expenses
9 incurred in connection with such payment.

10 “(f)(1) The administrator of the program under sub-
11 section (e)(1) may prescribe regulations to carry out this
12 section.

13 “(2) Regulations under paragraph (1) shall be issued
14 in consultation with the Director unless the Director is
15 the administrator.

16 “(g) For the purposes of this section, ‘employee’ has
17 the meaning given that term in section 2105, except that
18 such term also includes—

19 “(1) an employee described in subsection (c) of
20 that section;

21 “(2) an individual employed by personal serv-
22 ices contract, including pursuant to section 2(c) of
23 the State Department Basic Authorities Act of 1956
24 and section 636(a)(3) of the Foreign Assistance Act
25 of 1961;

1 “(3) locally employed staff who are employed by
2 an Executive agency outside the United States; and

3 “(4) any other individual employed by the Fed-
4 eral Government who meets conditions prescribed in
5 regulations issued under subsection (f)(1).”;

6 and

7 (3) in the table of sections by inserting the fol-
8 lowing after the item relating to section 5949:

“SUBCHAPTER V—BENEFITS FOR EMPLOYEES IN DESIGNATED ZONES OF
ARMED CONFLICT

“5951. Definitions.

“5952. Authority to grant allowances, benefits, and gratuities.

“5953. Pre- and post-deployment health assessments.

“5954. Special pay for certain employees.

“5955. Rest and recuperation travel.

“5956. Emergency visitation travel.

“5957. Locality payments.

“5958. Traumatic injury gratuity for qualifying injuries.”.

9 (b) CLERICAL AMENDMENT.—The table of chapters
10 for part III of title 5, United States Code, is amended
11 by amending the item relating to chapter 59 to read as
12 follows:

“59. Allowances, Special Payments, and Benefits 5901”.

13 (c) TECHNICAL AMENDMENTS.—(1) Chapter 57 of
14 title 5, United States Code, is amended—

15 (A) in section 5753(a)(2)(A) by inserting “, ex-
16 cluding members of the Foreign Service other than
17 chiefs of mission, ambassadors at large, and other
18 members of the Foreign Service covered by section

1 302(b) of the Foreign Service Act of 1980 (22
2 U.S.C. 3942)” before the semicolon at the end; and

3 (B) in section 5754(a)(2)(A) by inserting “, ex-
4 cluding members of the Foreign Service other than
5 chiefs of mission, ambassadors at large, and other
6 members of the Foreign Service covered by section
7 302(b) of the Foreign Service Act of 1980 (22
8 U.S.C. 3942)” before the semicolon at the end.

9 (2) Section 901(9) of the Foreign Service Act of 1980
10 (22 U.S.C. 4081(9)) is amended by striking “post of as-
11 signment” each place it appears and inserting “post of
12 assignment or, in the case of an employee assigned to duty
13 in a designated zone of armed conflict, temporary duty
14 station”.

15 (d) TRANSITION PERIOD FOR LOCALITY PAY-
16 MENTS.—(1) This subsection applies to an employee
17 who—

18 (A) is assigned to duty in a designated zone of
19 armed conflict (as defined in section 5951 (1) and
20 (2) of title 5, United States Code) while maintaining
21 an official worksite in a nonforeign area and an enti-
22 tlement to a cost-of-living allowance under section
23 5941(a)(1) of that title; and

24 (B) is entitled to a transitional locality pay per-
25 centage equal to $\frac{1}{3}$ or $\frac{2}{3}$ of the applicable locality

1 pay percentage under section 1914 of the Non-For-
2 eign Area Retirement Equity Assurance Act of 2009
3 (subtitle B of title XIX of Public Law 111–84; 123
4 Stat 2621; 5 U.S.C. 5304 note).

5 (2) In the case of an employee described in paragraph
6 (1), notwithstanding section 5957 of title 5, United States
7 Code—

8 (A) the locality pay percentage used in applying
9 subparagraph (A) of section 5957(b)(1) of title 5,
10 United States Code, shall be the transitional locality
11 pay percentage referred to in paragraph (1)(B); and

12 (B) the locality pay percentage used in applying
13 subparagraph (B) of section 5957(b)(1) of title 5,
14 United States Code, shall be the percentage result-
15 ing from multiplying the locality pay percentage au-
16 thorized under section 5304 of that title for Wash-
17 ington, DC, by the transitional fraction, $\frac{1}{3}$ or $\frac{2}{3}$, as
18 applicable.

19 **SEC. 1604. WAIVER OF CERTAIN PAY LIMITATIONS.**

20 (a) **WAIVER OF LIMITATION ON PREMIUM PAY.—**

21 Section 5547 of title 5, United States Code, is amended
22 by adding at the end the following new subsection:

23 “(e)(1) Subsection (a) shall not apply to an employee
24 who performs work while assigned to duty in a designated

1 zone of armed conflict (as defined in section 5951 (1) and
2 (2)).

3 “(2) Notwithstanding paragraph (1), no employee re-
4 ferred to in such paragraph may be paid premium pay
5 under the provisions of law cited in subsection (a) to the
6 extent that the aggregate of the basic pay and premium
7 pay under those provisions for such employee would, in
8 any calendar year, exceed the annual rate of salary pay-
9 able to the Vice President under section 104 of title 3.

10 “(3) To the extent that paragraph (1) results in pay-
11 ment of additional premium pay of a type that is normally
12 creditable as basic pay for retirement or any other pur-
13 pose, such additional pay shall not be considered to be
14 basic pay for any purpose, nor shall it be used in com-
15 puting a lump-sum payment for accumulated and accrued
16 annual leave under section 5551.”

17 (b) WAIVER OF LIMITATION ON AGGREGATE PAY.—
18 Section 5307 of title 5, United States Code, is amended—

19 (1) in subsection (a)(1) by striking “or as oth-
20 erwise provided under subsection (d)” and inserting
21 “or as otherwise provided by this section”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(e) The preceding subsections of this section shall
25 not apply to payments in addition to basic pay earned by

1 an employee for performing work while assigned to duty
2 in a designated zone of armed conflict (as defined in sec-
3 tion 5951 (1) and (2)). For the purpose of this subsection,
4 the term ‘basic pay’ includes any applicable locality-based
5 comparability payment under section 5304, any applicable
6 special rate supplement under section 5305, and any simi-
7 lar payment under any other provision of law.”.

8 (c) DEPARTMENT OF DEFENSE HIGHLY QUALIFIED
9 EXPERTS.—Section 9903(d) of title 5, United States
10 Code, is amended—

11 (1) by amending paragraph (2) to read as fol-
12 lows:

13 “(2) An employee appointed under this section
14 is not eligible for any bonus, monetary award, or
15 other monetary incentive for service except for—

16 “(A) payments authorized under this sec-
17 tion; and

18 “(B) in the case of such an employee who
19 is assigned to duty in a designated zone of
20 armed conflict (as defined in section 5951 (1)
21 and (2)), allowances, special payments, and
22 benefits under chapter 59.”;

23 and

24 (2) in paragraph (3), by adding at the end the
25 following new sentence: “In computing an employ-

1 ee’s total annual compensation for purposes of the
 2 preceding sentence, any payment referred to in para-
 3 graph (2)(B) shall be excluded.”.

4 **SEC. 1605. LEAVE AUTHORITIES.**

5 (a) IN GENERAL.—Chapter 63 of title 5, United
 6 States Code, is amended—

7 (1) by redesignating section 6391 as section
 8 6341 and transferring that section to the end of
 9 subchapter III;

10 (2) by amending subchapter VI to read as fol-
 11 lows:

12 “SUBCHAPTER VI—LEAVE AUTHORITIES FOR
 13 EMPLOYEES IN DESIGNATED ZONES OF
 14 ARMED CONFLICT

15 “§ 6391. **Definitions**

16 “For purposes of this subchapter—

17 “(1) ‘assigned to duty in’ has the meaning
 18 given that term in section 5951(1);

19 “(2) ‘designated zone of armed conflict’ has the
 20 meaning given that term in section 5951(2);

21 “(3) ‘Director’ means the Director of the Office
 22 of Personnel Management;

23 “(4) ‘Executive agency’ has the meaning given
 24 that term in section 5951(4); and

1 “(5) ‘rest and recuperation travel’ and ‘rest and
2 recuperation trip’ mean travel or a trip authorized
3 pursuant to section 5955, section 901(6) of the For-
4 eign Service Act of 1980 (22 U.S.C. 4081(6)), or
5 any other similar provision of law.

6 **“§ 6392. Recuperation leave**

7 “(a) Recuperation leave is intended to provide respite
8 from the work environment in designated zones of armed
9 conflict and to enable employees to carry out their duties
10 more effectively for the remainder of their assignment.

11 “(b) The Director may require the head of an Execu-
12 tive agency to grant an employee assigned to duty in a
13 designated zone of armed conflict recuperation leave, sub-
14 ject to the requirements of this section and any regula-
15 tions the Director may prescribe in consultation with the
16 Secretary of State.

17 “(c) Upon a determination to grant recuperation
18 leave under subsection (b), an employee shall accrue three-
19 fourths of a day of recuperation leave for each full bi-
20 weekly pay period that the employee is assigned to duty
21 in a designated zone of armed conflict.

22 “(d)(1) An employee may use recuperation leave
23 under subsection (b) only if—

24 “(A) the employee has been assigned to duty in
25 a designated zone of armed conflict for the minimum

1 period established by the Director in consultation
2 with the Secretary of State;

3 “(B) the recuperation leave is used in conjunc-
4 tion with authorized rest and recuperation travel
5 under section 5955;

6 “(C) the employee is expected to return to a
7 designated zone of armed conflict following the rest
8 and recuperation travel; and

9 “(D) the recuperation leave is used while the
10 employee is assigned to duty in a designated zone of
11 armed conflict.

12 “(2) An employee may use no more than 10 workdays
13 of recuperation leave for each rest and recuperation trip,
14 not to exceed a total of 20 workdays for any 12 consecu-
15 tive months in a designated zone of armed conflict.

16 “(3) An agency head may deny the use of accumu-
17 lated and accrued recuperation leave only in exceptional
18 circumstances that prevent the agency from releasing the
19 employee from his or her duties.

20 “(4) An agency head may advance recuperation leave
21 up to the number of hours the employee is expected to
22 accrue and accumulate while assigned to duty in the des-
23 ignated zone of armed conflict based on the special needs
24 of the employee.

1 “(e)(1) An employee who has unused accumulated
2 and accrued recuperation leave under subsection (c) at the
3 end of his or her assignment in a designated zone of armed
4 conflict shall receive a lump-sum payment at the end of
5 his or her assignment for the amount of recuperation leave
6 the agency head denied for use by the employee under sub-
7 section (d)(3).

8 “(2) A lump-sum payment for recuperation leave
9 under this subsection shall be computed using the employ-
10 ee’s rate of basic pay (including any applicable locality
11 payment under section 5957, special rate of pay under sec-
12 tion 5305, or similar payment under other legal authority)
13 in effect on the last day the employee is assigned to duty
14 in the designated zone of armed conflict. The lump-sum
15 payment shall exclude overseas differentials and allow-
16 ances under subchapter III of chapter 59.

17 **“§ 6393. Readjustment leave**

18 “(a) Readjustment leave is intended to provide em-
19 ployees a period of paid time off following duty in a des-
20 ignated zone of armed conflict to rest and attend to per-
21 sonal and family matters before returning to work.

22 “(b) Subject to any regulations the Director may pre-
23 scribe in consultation with the Secretary of State, the Di-
24 rector may require the head of an Executive agency to
25 grant an employee assigned to duty in a designated zone

1 of armed conflict readjustment leave of up to 15 workdays
 2 for any 12 consecutive months in a designated zone of
 3 armed conflict, contingent upon the employee entering into
 4 a written service agreement for a period of employment
 5 of no less than 6 months.

6 “(c) Readjustment leave not used within the first 90
 7 days after completion of an employee’s duty assignment
 8 in a designated zone of armed conflict shall be forfeited,
 9 subject to such exceptions as the Director may approve.

10 “(d) Readjustment leave shall not be converted to a
 11 cash payment or form a part of a lump-sum payment for
 12 accrued leave under any circumstances.

13 **“§ 6394. Regulations**

14 “The Director may prescribe regulations necessary
 15 for the administration of this subchapter”;

16 and

17 (3) in the table of sections—

18 (A) by adding after the item relating to
 19 section 6340 the following new item:

“6341. Authority for leave transfer program in disasters and emergencies”;

20 and

21 (B) by amending the items relating to sub-
 22 chapter VI to read as follows:

“SUBCHAPTER VI— LEAVE AUTHORITIES FOR EMPLOYEES IN DESIGNATED
 ZONES OF ARMED CONFLICT

“6391. Definitions.

“6392. Recuperation leave.

“6393. Readjustment leave.

“6394. Regulations.”.

1 (b) CONFORMING AMENDMENT.—Section 903 of the
2 Foreign Service Act of 1980 (22 U.S.C. 4083) is amended
3 by adding at the end the following new subsections:

4 “(d) The Secretary may, in exceptional cir-
5 cumstances, order a member of the Service to take leave
6 under this section upon completion by that member of
7 fewer than 12 months of continuous service abroad—

8 “(1) to meet the needs of the service; or

9 “(2) where the member has been assigned to
10 duty in a designated zone of armed conflict.

11 “(e) The Secretary may order a member of the Serv-
12 ice to take leave under subsection (d)(2) without regard
13 to whether such member is expected to return to service
14 abroad.”.

15 **SEC. 1606. OTHER BENEFITS FOR DEPLOYED EMPLOYEES**
16 **IN A DESIGNATED ZONE OF ARMED CON-**
17 **FLICT.**

18 (a) CONTINUATION OF PAY FOR OCCUPATIONAL DIS-
19 EASES AND ILLNESS RELATED TO EMPLOYEES IN DES-
20 IGNATED ZONES OF ARMED CONFLICT.—Section 8118 of
21 title 5, United States Code, is amended—

22 (1) in subsection (a) by striking “clause (B) or
23 (E)” and inserting “subparagraph (B) or (E)”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(f) The United States shall authorize the continu-
4 ation of pay of an employee as defined in section 8101(1)
5 (other than those referred to in subparagraph (B) or (E)),
6 who has filed a claim for a period of wage loss due to
7 traumatic or occupational injury in performance of duty
8 in a designated zone of armed conflict as defined in section
9 5951(2) as long as the employee files a claim for such
10 wage loss benefit with his immediate superior no later
11 than 45 days following termination of assignment to a
12 zone of armed conflict or return to the United States,
13 whichever occurs later. Continuation of pay under this
14 subsection shall be furnished in accordance with sub-
15 sections (c) and (d) for a period not to exceed 135 days
16 without any break in time or waiting period unless con-
17 troverted pursuant to regulations prescribed by the Sec-
18 retary of Labor, which shall be issued after consultation
19 with the Secretary of State and the Secretary of De-
20 fense.”.

21 (b) DEATH GRATUITY FOR FOREIGN SERVICE EM-
22 PLOYEES ABROAD.—Section 413(a) of the Foreign Service
23 Act of 1980 (22 U.S.C. 3973(a)) is amended in the first
24 sentence by striking “at the time of death” and inserting
25 “at level II of the Executive Schedule under section 5313

1 of title 5, United States Code, at the time of death, except
 2 that, for employees compensated under local compensation
 3 plans established under section 408, the amount shall be
 4 equal to the greater of either one year's basic salary at
 5 the time of death, or one year's basic salary at the highest
 6 step of the highest grade on the Local Compensation Plan
 7 from which the employee was being paid at the time of
 8 death”.

9 **DIVISION B—MILITARY CON-**
 10 **STRUCTION AUTHORIZA-**
 11 **TIONS**

12 **SEC. 2001. SHORT TITLE.**

13 This division may be cited as the “Military Construc-
 14 tion Authorization Act for Fiscal Year 2013”.

15 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
 16 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
 17 **LAW.**

18 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
 19 YEARS.—Except as provided in subsection (b), all author-
 20 izations contained in titles XXI through XXVII for mili-
 21 tary construction projects, land acquisition, family housing
 22 projects and facilities, and contributions to the North At-
 23 lantic Treaty Organization Security Investment Program
 24 (and authorizations of appropriations therefor) shall ex-
 25 pire on the later of—

1 (1) October 1, 2015; or

2 (2) the date of the enactment of an Act author-
3 izing funds for military construction for fiscal year
4 2016.

5 (b) EXCEPTION.—Subsection (a) shall not apply to
6 authorizations for military construction projects, land ac-
7 quisition, family housing projects and facilities, and con-
8 tributions to the North Atlantic Treaty Organization Se-
9 curity Investment Program (and authorizations of appro-
10 priations therefor), for which appropriated funds have
11 been obligated before the later of—

12 (1) October 1, 2015; or

13 (2) the date of the enactment of an Act author-
14 izing funds for fiscal year 2016 for military con-
15 struction projects, land acquisition, family housing
16 projects and facilities, or contributions to the North
17 Atlantic Treaty Organization Security Investment
18 Program.

19 **TITLE XXI—ARMY MILITARY**
20 **CONSTRUCTION**

21 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
22 **ACQUISITION PROJECTS.**

23 (a) INSIDE THE UNITED STATES.—Using amounts
24 appropriated pursuant to the authorization of appropria-
25 tions in section 2103(1), the Secretary of the Army may

1 acquire real property and carry out military construction
 2 projects for the installations or locations inside the United
 3 States, and in the amounts, set forth in the following
 4 table:

Army: Inside the United States

State	Installation	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
	Fort Stewart	\$49,650,000
Hawaii	Pohakuloa Training Area	\$29,000,000
	Schofield Barracks	\$96,000,000
	Wheeler Army Air Field	\$85,000,000
Kansas	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
	Picatunny Arsenal	\$10,200,000
New York	Fort Drum	\$95,000,000
	U.S. Military Academy	\$192,000,000
North Carolina	Fort Bragg	\$98,000,000
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	Arlington	\$84,000,000
	Fort Belvoir	\$94,000,000
	Fort Lee	\$81,000,000
Washington	Joint Base Lewis-McChord	\$164,000,000
	Yakima	\$5,100,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
 6 appropriated pursuant to the authorization of appropria-
 7 tions in section 2103(2), the Secretary of the Army may
 8 acquire real property and carry out military construction
 9 projects for the installations or locations outside the
 10 United States, and in the amounts, set forth in the fol-
 11 lowing table:

Army: Outside the United States

Country	Installation	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

1 SEC. 2102. FAMILY HOUSING.

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2103(5)(A), the Sec-
4 retary of the Army may carry out architectural and engi-
5 neering services and construction design activities with re-
6 spect to the construction or improvement of family hous-
7 ing units in an amount not to exceed \$4,641,000.

8 SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

9 Funds are hereby authorized to be appropriated for
10 fiscal years beginning after September 30, 2012, for mili-
11 tary construction, land acquisition, and military family
12 housing functions of the Department of the Army in the
13 total amount of \$2,458,015,000 as follows:

14 (1) For military construction projects inside the
15 United States authorized by section 2101(a),
16 \$1,590,150,000.

17 (2) For military construction projects outside
18 the United States authorized by section 2101(b),
19 \$209,000,000.

1 (3) For unspecified minor military construction
2 projects authorized by section 2805 of title 10,
3 United States Code, \$25,000,000.

4 (4) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$99,173,000.

7 (5) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$4,641,000.

11 (B) For support of military family housing
12 (including the functions described in section
13 2833 of title 10, United States Code),
14 \$530,051,000.

15 **SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT**
16 **CERTAIN FISCAL YEAR 2010 PROJECT.**

17 In the case of the authorization contained in the table
18 in section 2101(a) of the Military Construction Authoriza-
19 tion Act for Fiscal Year 2010 (division B of Public Law
20 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for
21 construction of a Road and Access Control Point at the
22 installation, the Secretary of the Army may construct a
23 standard design Access Control Point consistent with the
24 Army’s construction guidelines for Access Control Points.

1 **SEC. 2105. ADDITIONAL AUTHORITY TO CARRY OUT CER-**
2 **TAIN FISCAL YEAR 2013 PROJECTS.**

3 (a) PROJECT AUTHORIZATIONS.—The Secretary of
4 the Army may carry out military construction projects to
5 construct the following:

6 (1) A central energy plant for Fort Carson,
7 Colorado, in the amount of \$34,000,000.

8 (2) A pier on Kwajalein Atoll in the amount of
9 \$62,000,000.

10 (b) USE OF UNOBLIGATED PRIOR-YEAR ARMY MILI-
11 TARY CONSTRUCTION FUNDS.—The Secretary may use
12 available, unobligated Army military construction funds
13 appropriated for a fiscal year before fiscal year 2013 for
14 the projects described in subsection (a).

15 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
16 of the Army shall provide information in accordance with
17 section 2851(c) of title 10, United States Code, regarding
18 the projects described in subsection (a). If it becomes nec-
19 essary to exceed the estimated project cost, the Secretary
20 shall utilize the authority provided by section 2853 of such
21 title regarding authorized cost and scope of work vari-
22 ations.

23 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
24 **FISCAL YEAR 2009 PROJECTS.**

25 (a) EXTENSION.—Notwithstanding section 2002 of
26 the Military Construction Authorization Act for Fiscal

1 Year 2009 (division B of Public Law 110–417; 122 Stat.
 2 4658), authorizations set forth in the table in subsection
 3 (b), as provided in section 2101 of that Act (122 Stat.
 4 4659), shall remain in effect until October 1, 2013, or the
 5 date of the enactment of an Act authorizing funds for mili-
 6 tary construction for fiscal year 2014, whichever is later.

7 (b) TABLE.—The table referred to in subsection (a)
 8 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 ..	Picatunny Arsenal	Ballistic Evaluation Fa- cility, Phase I.	\$9,900,000

9 **SEC. 2107. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 10 **FISCAL YEAR 2010 PROJECTS.**

11 (a) EXTENSION.—Notwithstanding section 2002 of
 12 the Military Construction Authorization Act for Fiscal
 13 Year 2010 (division B of Public Law 111–84; 123 Stat.
 14 2627), authorizations set forth in the table in subsection
 15 (b), as provided in section 2101 of that Act (123 Stat.
 16 2628), shall remain in effect until October 1, 2013, or the
 17 date of the enactment of an Act authorizing funds for mili-
 18 tary construction for fiscal year 2014, whichever is later.

19 (b) TABLE.—The table referred to in subsection (a)
 20 is as follows:

Army: Extension of 2010 Project Authorizations

State/ Country	Installation or Location	Project	Amount
Louisiana	Fort Polk	Land Purchases and Condemnation.	\$17,000,000
New Jersey ..	Picatiny Arsenal	Ballistic Evaluation Fa- cility, Phase II.	\$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

1 **TITLE XXII—NAVY MILITARY**
2 **CONSTRUCTION**

3 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
4 **ACQUISITION PROJECTS.**

5 (a) INSIDE THE UNITED STATES.—Using amounts
6 appropriated pursuant to the authorization of appropria-
7 tions in section 2204(1), the Secretary of the Navy may
8 acquire real property and carry out military construction
9 projects for the installations or locations inside the United
10 States, and in the amounts, set forth in the following
11 table:

Navy: Inside the United States

State	Installation	Amount
Arizona	Yuma	\$29,285,000
California	Camp Pendleton	\$88,110,000
	Coronado	\$78,541,000
	Lemoore	\$14,843,000
	Miramar	\$27,897,000
	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

Navy: Inside the United States—Continued

State	Installation	Amount
	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

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

Country	Installation	Amount
Bahrain Island	SW Asia	\$51,348,000
Diego Garcia	Diego Garcia	\$1,691,000
Djibouti	Camp Lemonier	\$99,420,000
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

8 **SEC. 2202. FAMILY HOUSING.**

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2204(5)(A), the Sec-
11 retary of the Navy may carry out architectural and engi-
12 neering services and construction design activities with re-
13 spect to the construction or improvement of family hous-
14 ing units in an amount not to exceed \$4,527,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(5)(A), the
6 Secretary of the Navy may improve existing military fam-
7 ily housing units in an amount not to exceed \$97,655,000.

8 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

9 Funds are hereby authorized to be appropriated for
10 fiscal years beginning after September 30, 2012, for mili-
11 tary construction, land acquisition, and military family
12 housing functions of the Department of the Navy in the
13 total amount of \$2,182,397,000, as follows:

14 (1) For military construction projects inside the
15 United States authorized by section 2201(a),
16 \$981,492,000.

17 (2) For military construction projects outside
18 the United States authorized by section 2201(b),
19 \$295,394,000.

20 (3) For unspecified minor military construction
21 projects authorized by section 2805 of title 10,
22 United States Code, \$16,535,000.

23 (4) For architectural and engineering services
24 and construction design under section 2807 of title
25 10, United States Code, \$102,619,000.

26 (5) For military family housing functions:

1 (A) For construction and acquisition, plan-
2 ning and design, and improvement of military
3 family housing and facilities, \$102,182,000.

4 (B) For support of military family housing
5 (including functions described in section 2833
6 of title 10, United States Code), \$378,230,000.

7 (6) For the construction of increment 2 of
8 north ramp parking at Andersen Air Force Base,
9 Guam, authorized by section 2201(b) of the Military
10 Construction Authorization Act for Fiscal Year 2010
11 (division B of Public Law 111–84; 123 Stat. 2633),
12 \$25,904,000.

13 (7) For the construction of increment 2 of ex-
14 plosives handling wharf 2 at Kitsap, Washington,
15 authorized by section 2201(a) of the Military Con-
16 struction Authorization Act for Fiscal Year 2012
17 (division B of Public Law 112–81; 125 Stat. 1666),
18 \$280,041,000.

19 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
20 **CERTAIN FISCAL YEAR 2012 PROJECT.**

21 In the case of the authorization contained in the table
22 in section 2201(a) of the Military Construction Authoriza-
23 tion Act for Fiscal Year 2012 (division B of Public Law
24 112–81; 125 Stat. 1666), for Kitsap (Bangor) Wash-
25 ington, for construction of Explosives Handling Wharf #2

1 at that location, the Secretary of the Navy may acquire
 2 fee or lesser real property interests to accomplish required
 3 environmental mitigation for the project using appropria-
 4 tions authorized for the project.

5 **SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 6 **FISCAL YEAR 2009 PROJECTS.**

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 2201 of that Act (122
 12 Stat. 4670) and extended by section 2206 of the Military
 13 Construction Authorization Act for Fiscal Year 2012 (di-
 14 vision B of Public Law 112–81; 125 Stat. 1668), shall
 15 remain in effect until October 1, 2013, or the date of an
 16 Act authorizing funds for military construction for fiscal
 17 year 2014, whichever is later.

18 (b) TABLE.—The table referred to in subsection (a)
 19 is as follows:

Navy: Extension of 2009 Project Authorizations

State/ Country	Installation or Location	Project	Amount
California ...	Marine Corps Base, Camp Pendleton.	Operations Access Points, Red Beach.	\$11,970,000
	Marine Corps Air Sta- tion, Miramar.	Emergency Response Station.	\$6,530,000
District of Columbia.	Washington Navy Yard	Child Development Cen- ter.	\$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 Authorizations

State/ Country	Installation or Location	Project	Amount
California	Bridgeport	Mountain Warfare Training, Commissary.	\$6,830,000
Maine	Portsmouth Naval Ship- yard.	Gate 2 Security Improve- ments.	\$7,090,000
Djibouti	Camp Lemonier	Security Fencing	\$8,109,000
		Ammo Supply Point	\$21,689,000
		Interior Paved Roads	\$7,275,000

13 **TITLE XXIII—AIR FORCE**
 14 **MILITARY CONSTRUCTION**

15 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 16 **LAND ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts
 18 appropriated pursuant to the authorization of appropria-
 19 tions in section 2304(1), the Secretary of the Air Force
 20 may acquire real property and carry out military construc-

1 tion projects for the installations or locations inside the
 2 United States, and in the amounts, set forth in the fol-
 3 lowing table:

Air Force: Inside the United States

State	Installation	Amount
Arkansas	Little Rock AFB	\$30,178,000
Florida	Tyndall AFB	\$14,750,000
Georgia	Fort Stewart	\$7,250,000
	Moody AFB	\$8,500,000
New Mexico	Holloman AFB	\$25,000,000
North Dakota	Minot AFB	\$4,600,000
Texas	Joint Base San Antonio	\$18,000,000
Utah	Hill AFB	\$13,530,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2304(2), the Secretary of the Air Force
 7 may acquire real property and carry out military construc-
 8 tion projects for the installations or locations outside the
 9 United States, and in the amounts, set forth in the fol-
 10 lowing table:

Air Force: Outside the United States

Country	Installation	Amount
Greenland	Thule AB	\$24,500,000
Italy	Aviano AB	\$9,400,000
Worldwide Unspec- ified.	Unspecified Worldwide Locations	\$34,657,000

11 **SEC. 2302. FAMILY HOUSING.**

12 Using amounts appropriated pursuant to the author-
 13 ization of appropriations in section 2304(5)(A), the Sec-
 14 retary of the Air Force may carry out architectural and
 15 engineering services and construction design activities

1 with respect to the construction or improvement of family
2 housing units in an amount not to exceed \$4,253,000.

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 Subject to section 2825 of title 10, United States
6 Code, and using amounts appropriated pursuant to the
7 authorization of appropriations in section 2304(5)(A), the
8 Secretary of the Air Force may improve existing military
9 family housing units in an amount not to exceed
10 \$79,571,000.

11 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
12 **FORCE.**

13 Funds are hereby authorized to be appropriated for
14 fiscal years beginning after September 30, 2012, for mili-
15 tary construction, land acquisition, and military family
16 housing functions of the Department of the Air Force in
17 the total amount of \$969,853,000, as follows:

18 (1) For military construction projects inside the
19 United States authorized by section 2301(a),
20 \$121,808,000.

21 (2) For military construction projects outside
22 the United States authorized by section 2301(b),
23 \$68,557,000.

1 (3) For unspecified minor military construction
2 projects authorized by section 2805 of title 10,
3 United States Code, \$18,200,000.

4 (4) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$18,635,000.

7 (5) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$83,824,000.

11 (B) For support of military family housing
12 (including functions described in section 2833
13 of title 10, United States Code), \$497,829,000.

14 (6) For the construction of increment 2 of the
15 U.S. Strategic Command Replacement Facility at
16 Offutt Air Force Base, Nebraska, authorized by sec-
17 tion 2301(a) of the Military Construction Authoriza-
18 tion Act for Fiscal Year 2012 (division B of Public
19 Law 112–81; 125 Stat. 1670), \$161,000,000.

20 **SEC. 2305. ADDITIONAL AUTHORITY TO CARRY OUT CER-**
21 **TAIN FISCAL YEAR 2013 PROJECTS.**

22 (a) PROJECT AUTHORIZATIONS.—The Secretary of
23 the Air Force may carry out military construction projects
24 to construct the following:

1 (1) A fuel systems hangar for Joint Region
2 Marianas, Guam, in the amount of \$128,000,000.

3 (2) A consolidated engineer shop and supply fa-
4 cility for Thule Air Base, Greenland, in the amount
5 of \$39,000,000.

6 (3) A fire crash rescue station for Hill Air
7 Force Base, Utah, in the amount of \$21,000,000.

8 (4) A range communications facility for Cape
9 Canaveral Air Force Station, Florida, in the amount
10 of \$20,000,000.

11 (5) An air traffic control tower and base oper-
12 ations complex for Seymour-Johnson Air Force
13 Base, North Carolina, in the amount of
14 \$16,500,000.

15 (6) An aircraft maintenance hangar for Dover
16 Air Force Base, Delaware, in the amount of
17 \$31,000,000.

18 (7) A fire rescue center for Altus Air Force
19 Base, Oklahoma, in the amount of \$17,000,000.

20 (8) Front gate force protection enhancements
21 for the United States Air Force Academy, Colorado,
22 in the amount of \$8,000,000.

23 (9) A munitions storage area for Joint Base
24 McGuire-Dix-Lakehurst, New Jersey, in the amount
25 of \$10,000,000.

1 (10) A flight line fire station for Edwards Air
2 Force Base, California, in the amount of
3 \$24,000,000.

4 (b) USE OF UNOBLIGATED PRIOR-YEAR AIR FORCE
5 MILITARY CONSTRUCTION FUNDS.—The Secretary may
6 use available, unobligated Air Force military construction
7 funds appropriated for a fiscal year before fiscal year 2013
8 for the projects described in subsection (a).

9 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
10 of the Air Force shall provide information in accordance
11 with section 2851(c) of title 10, United States Code, re-
12 garding the projects described in subsection (a). If it be-
13 comes necessary to exceed the estimated project cost, the
14 Secretary shall utilize the authority provided by section
15 2853 of such title regarding authorized cost and scope of
16 work variations.

17 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
18 **FISCAL YEAR 2010 PROJECTS.**

19 (a) EXTENSION.—Notwithstanding section 2002 of
20 the Military Construction Authorization Act for Fiscal
21 Year 2010 (division B of Public Law 111–84; 123 Stat.
22 2627), authorizations set forth in the table in subsection
23 (b), as provided in section 2301 of that Act (123 Stat.
24 2636), shall remain in effect until October 1, 2013, or the

1 date of an Act authorizing funds for military construction
 2 for fiscal year 2014, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a)
 4 is as follows:

Air Force: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
Missouri	Whiteman AFB	Land Acquisition North & South Bdry.	\$5,500,000
Montana	Malmstrom AFB	Weapons Storage Area (WSA), Phase 2.	\$10,600,000

5 **TITLE XXIV—DEFENSE AGEN-**
 6 **CIES MILITARY CONSTRUC-**
 7 **TION**

8 **Subtitle A—Defense Agency**
 9 **Authorizations**

10 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 11 **TION AND LAND ACQUISITION PROJECTS.**

12 (a) INSIDE THE UNITED STATES.—Using amounts
 13 appropriated pursuant to the authorization of appropria-
 14 tions in section 2403(1), the Secretary of Defense may
 15 acquire real property and carry out military construction
 16 projects for the installations or locations inside the United
 17 States, and in the amounts, set forth in the following
 18 table:

Defense Agencies: Inside the United States

State	Installation	Amount
Arizona	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
	Twentynine Palms	\$27,400,000

Defense Agencies: Inside the United States—Continued

State	Installation	Amount
Colorado	Buckley Air Force Base	\$30,000,000
	Fort Carson	\$56,673,000
	Pikes Peak	\$3,600,000
CONUS Classified ...	Classified Location	\$6,477,000
Delaware	Dover AFB	\$2,000,000
Florida	Eglin AFB	\$41,695,000
	Hurlburt Field	\$16,000,000
	MacDill AFB	\$34,409,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$24,289,000
Illinois	Great Lakes	\$28,700,000
	Scott AFB	\$86,711,000
Indiana	Grissom AFB	\$26,800,000
Kentucky	Fort Campbell	\$71,639,000
Louisiana	Barksdale AFB	\$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 AFB	\$93,085,000
New York	Fort Drum	\$43,200,000
North Carolina	Camp Lejeune	\$80,064,000
	Fort Bragg	\$100,422,000
	Seymour Johnson AFB	\$55,450,000
Pennsylvania	DEF Distribution Depot-New Cumberland	\$17,400,000
South Carolina	Shaw AFB	\$57,200,000
Texas	Red River Army Depot	\$16,715,000
Virginia	Joint Expeditionary Base Little Creek- 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(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Defense Agencies: Outside the United States

Country	Installation	Amount
Belgium	Brussels	\$26,969,000
Germany	Stuttgart-Patch Barracks	\$2,413,000
	Vogelweh	\$61,415,000
	Weisbaden	\$52,178,000
Guam	Andersen AFB	\$67,500,000
Guantanamo Bay, Cuba.	Guantanamo Bay	\$40,200,000
Japan	Camp Zama	\$13,273,000

Defense Agencies: Outside the United States—Continued

Country	Installation	Amount
Korea	Kadena AB	\$143,545,000
	Sasebo	\$35,733,000
	Zukeran	\$79,036,000
	Kunsan AB	\$13,000,000
	Osan AB	\$77,292,000
Romania	Deveselu	\$157,900,000
United Kingdom	Menwith Hill Station	\$50,283,000
	RAF Feltwell	\$30,811,000
	RAF Mildenhall	\$6,490,000

1 **SEC. 2402. AUTHORIZED ENERGY CONSERVATION**
2 **PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2403(6), the Secretary
5 of Defense may carry out energy conservation projects
6 under chapter 173 of title 10, United States Code, in the
7 amount of \$150,000,000.

8 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
9 **FENSE AGENCIES.**

10 Funds are hereby authorized to be appropriated for
11 fiscal years beginning after September 30, 2012, for mili-
12 tary construction, land acquisition, and military family
13 housing functions of the Department of Defense (other
14 than the military departments) in the total amount of
15 \$3,708,647,000, as follows:

16 (1) For military construction projects inside the
17 United States authorized by section 2401(a),
18 \$1,356,203,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2401(b),
3 \$858,038,000.

4 (3) For unspecified minor military construction
5 projects under section 2805 of title 10, United
6 States Code, \$38,785,000.

7 (4) For contingency construction projects of the
8 Secretary of Defense under section 2804 of title 10,
9 United States Code, \$10,000,000.

10 (5) For architectural and engineering services
11 and construction design under section 2807 of title
12 10, United States Code, \$315,562,000.

13 (6) For energy conservation projects under
14 chapter 173 of title 10, United States Code,
15 \$150,000,000.

16 (7) For military family housing functions:

17 (A) For support of military family housing
18 (including functions described in section 2833
19 of title 10, United States Code), \$52,238,000.

20 (B) For credits to the Department of De-
21 fense Family Housing Improvement Fund
22 under section 2883 of title 10, United States
23 Code, and the Homeowners Assistance Fund es-
24 tablished under section 1013 of the Demonstra-

1 tion Cities and Metropolitan Development Act
2 of 1966 (42 U.S.C. 3374), \$1,786,000.

3 (8) For the construction of increment 7 of the
4 Army Medical Research Institute of Infectious Dis-
5 eases Stage I at Fort Detrick, Maryland, authorized
6 by section 2401(a) of the Military Construction Au-
7 thorization Act of Fiscal Year 2007 (division B of
8 Public Law 109–364; 120 Stat. 2457), \$19,000,000.

9 (9) For the construction of increment 4 of a
10 National Security Agency data center at Camp Wil-
11 liams, Utah, authorized as a Military Construction,
12 Defense-Wide project by the Supplemental Appro-
13 priations Act, 2009 (Public Law 111–32; 123 Stat.
14 1888), \$191,414,000.

15 (10) For the construction of increment 4 of the
16 hospital at Fort Bliss, Texas, authorized by section
17 2401(a) of the Military Construction Authorization
18 Act for Fiscal Year 2010 (division B of Public Law
19 111–84; 123 Stat. 2642), \$207,400,000.

20 (11) For the construction of increment 2 of the
21 high performance computing center at Fort Meade,
22 Maryland, authorized by section 2401(a) of the Mili-
23 tary Construction Authorization Act for Fiscal Year
24 2012 (division B of Public Law 112–81; 125 Stat.

1 1672), as amended by section 2405(a),
2 \$300,521,000.

3 (12) For the construction of increment 2 of the
4 ambulatory care center phase 3 at Joint Base San
5 Antonio, Texas, authorized by section 2401(a) of the
6 Military Construction Authorization Act for Fiscal
7 Year 2012 (division B of Public Law 112–81; 125
8 Stat. 1672), \$80,700,000.

9 (13) For the construction of increment 2 of the
10 medical center replacement at Rhine Ordnance Bar-
11 racks, Germany, authorized by section 2401(b) of
12 the Military Construction Authorization Act for Fis-
13 cal Year 2012 (division B of Public Law 112–81;
14 125 Stat. 1673), \$127,000,000.

15 **SEC. 2404. EXTENSION OF AUTHORIZATION OF CERTAIN**
16 **FISCAL YEAR 2010 PROJECT.**

17 (a) **EXTENSION.**—Notwithstanding section 2002 of
18 the Military Construction Authorization Act for Fiscal
19 Year 2010 (division B of Public Law 111–84; 123 Stat.
20 2627), authorizations set forth in the table in subsection
21 (b), as provided in section 2401(a) of that Act (123 Stat.
22 2640), shall remain in effect until October 1, 2013, or the
23 date of the enactment of an Act authorizing funds for mili-
24 tary construction for fiscal year 2014, whichever is later:

1 (b) TABLE.—The table referred to in subsection (a)
 2 is as follows:

**Washington Headquarters Services: Extension of 2010 Project
 Authorization**

State	Installation or Location	Project	Amount
Virginia	Pentagon Reservation	Pentagon electrical up- grade.	\$19,272,000

3 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**
 4 **CERTAIN FISCAL YEAR 2012 PROJECTS.**

5 (a) MARYLAND.—The table in section 2401(a) of the
 6 Military Construction Authorization Act for Fiscal Year
 7 2012 (division B of Public Law 112–81; 125 Stat. 1672),
 8 is amended in the item relating to Fort Meade, Maryland,
 9 by striking “\$29,640,000” in the amount column and in-
 10 serting “\$792,200,000”.

11 (b) GERMANY.—The table in section 2401(b) of the
 12 Military Construction Authorization Act for Fiscal Year
 13 2012 (division B of Public Law 112–81; 125 Stat. 1673),
 14 is amended in the item relating to Rhine Ordnance Bar-
 15 racks, Germany, by striking “\$750,000,000” in the
 16 amount column and inserting “\$1,251,431,000”.

1 **Subtitle B—Chemical**
2 **Demilitarization Authorizations**

3 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
4 **ICAL DEMILITARIZATION CONSTRUCTION,**
5 **DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2012, for mili-
8 tary construction and land acquisition for chemical demili-
9 tarization in the total amount of \$151,000,000 as follows:

10 (1) For the construction of phase 14 of a chem-
11 ical munitions demilitarization facility at Pueblo
12 Chemical Activity, Colorado, authorized by section
13 2401(a) of the Military Construction Authorization
14 Act for Fiscal Year 1997 (division B of Public Law
15 104–201; 110 Stat. 2775), as amended by section
16 2406 of the Military Construction Authorization Act
17 for Fiscal Year 2000 (division B of Public Law 106–
18 65; 113 Stat. 839), section 2407 of the Military
19 Construction Authorization Act for Fiscal Year 2003
20 (division B of Public Law 107–314; 116 Stat.
21 2698), and section 2413 of the Military Construc-
22 tion Authorization Act for Fiscal Year 2009 (divi-
23 sion B of Public Law 110–417; 122 Stat. 4697),
24 \$36,000,000.

1 of the Military Construction Authorization Act for Fiscal
2 Year 2003 (division B of Public Law 107–314; 116 Stat.
3 2699), and section 2413 of the Military Construction Au-
4 thorization Act for Fiscal Year 2009 (division B of Public
5 Law 110–417; 122 Stat. 4697), is amended—

6 (1) under the agency heading relating to Chem-
7 ical Demilitarization Program, in the item relating
8 to Pueblo Army Depot, Colorado, by striking
9 “\$484,000,000” in the amount column and inserting
10 “\$520,000,000”; and

11 (2) by striking the amount identified as the
12 total in the amount column and inserting
13 “\$866,454,000”.

14 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)
15 of the Military Construction Authorization Act for Fiscal
16 Year 1997 (110 Stat. 2779), as so amended, is further
17 amended by striking “\$484,000,000” and inserting
18 “\$520,000,000”.

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment Program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2012, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment Program authorized by
22 section 2501, in the amount of \$254,163,000.

1 **TITLE XXVI—GUARD AND**
 2 **RESERVE FORCES FACILITIES**
 3 **Subtitle A—Project Authorizations**
 4 **and Authorization of Appropria-**
 5 **tions**

6 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 7 **STRUCTION AND LAND ACQUISITION**
 8 **PROJECTS.**

9 (a) INSIDE THE UNITED STATES.—Using amounts
 10 appropriated pursuant to the authorization of appropria-
 11 tions in section 2606(1), the Secretary of the Army may
 12 acquire real property and carry out military construction
 13 projects for the Army National Guard locations inside the
 14 United States, and in the amounts, set forth in the fol-
 15 lowing table:

Army National Guard: Inside the United States

State	Installation	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
	Terre 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
	St. Paul	\$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

Army National Guard: Inside the United States—Continued

State	Installation	Amount
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

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2606(1), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the Army National Guard locations outside
6 the United States, and in the amounts, set forth in the
7 following table:

Army National Guard: Outside the United States

Country	Installation	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

8 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
9 **AND LAND ACQUISITION PROJECTS.**

10 Using amounts appropriated pursuant to the author-
11 ization of appropriations in section 2606(2), the Secretary
12 of the Army may acquire real property and carry out mili-
13 tary construction projects for the Army Reserve locations
14 inside the United States, and in the amounts, set forth
15 in the following table:

Army Reserve

State	Installation	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(3), the Secretary
6 of the Navy may acquire real property and carry out mili-
7 tary construction projects for the Navy Reserve and Ma-
8 rine Corps Reserve locations inside the United States, and
9 in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Installation	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

10 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
11 **TION AND LAND ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-
13 ization of appropriations in section 2606(4), the Secretary
14 of the Air Force may acquire real property and carry out
15 military construction projects for the Air National Guard

1 locations inside the United States, and in the amounts,
 2 set forth in the following table:

Air National Guard

State	Installation	Amount
California	Fresno Yosemite IAP ANG	\$11,000,000
Hawaii	Joint Base Pearl Harbor-Hickam ..	\$6,500,000
New Mexico	Kirtland AFB	\$8,500,000
Wyoming	Cheyenne MAP	\$6,486,000

3 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-
 6 ization of appropriations in section 2606(5), the Secretary
 7 of the Air Force may acquire real property and carry out
 8 military construction projects for the Air Force Reserve
 9 locations inside the United States, and in the amounts,
 10 set forth in the following table:

Air Force Reserve

State	Installation	Amount
New York	Niagara Falls IAP	\$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), in the following
 2 amounts:

3 (1) For the Department of the Army, for the
 4 Army National Guard of the United States,
 5 \$613,799,000.

6 (2) For the Department of the Army, for the
 7 Army Reserve, \$305,846,000.

8 (3) For the Department of the Navy, for the
 9 Navy and Marine Corps Reserve, \$49,532,000.

10 (4) For the Department of the Air Force, for
 11 the Air National Guard of the United States,
 12 \$42,386,000.

13 (5) For the Department of the Air Force, for
 14 the Air Force Reserve, \$10,979,000.

15 **Subtitle B—Other Matters**

16 **SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT** 17 **CERTAIN FISCAL YEAR 2010 AND 2011** 18 **PROJECTS.**

19 (a) AUTHORITY TO CARRY OUT ARMY NATIONAL
 20 GUARD READINESS CENTER PROJECT, NORTH LAS
 21 VEGAS, NEVADA.—In the case of the authorization con-
 22 tained in the table in section 2601 of the Military Con-
 23 struction Authorization Act for Fiscal Year 2010 (division
 24 B of Public Law 111–84; 123 Stat. 2648) for North Las
 25 Vegas, Nevada, for construction of a Readiness Center,

1 the Secretary of the Army may construct up to 68,593
2 square feet of readiness center, 10,000 square feet of
3 unheated equipment storage area, and 25,000 square feet
4 of unheated vehicle storage, consistent with the Army's
5 construction guidelines for readiness centers.

6 (b) AUTHORITY TO CARRY OUT ARMY RESERVE
7 CENTER PROJECT, MIRAMAR, CALIFORNIA.—In the case
8 of the authorization contained in the table in section 2602
9 of the Military Construction Authorization Act for Fiscal
10 Year 2010 (division B of Public Law 111–84; 123 Stat.
11 2649) for Camp Pendleton, California, for construction of
12 an Army Reserve Center, the Secretary of the Army may
13 instead construct an Army Reserve Center in the vicinity
14 of the Marine Corps Air Station, Miramar, California.

15 (c) AUTHORITY TO CARRY OUT ARMY RESERVE
16 CENTER PROJECT, BRIDGEPORT, CONNECTICUT.—In the
17 case of the authorization contained in the table in section
18 2602 of the Military Construction Authorization Act for
19 Fiscal Year 2010 (division B of Public Law 111–84; 123
20 Stat. 2649) for Bridgeport, Connecticut, for construction
21 of an Army Reserve Center/Land, the Secretary of the
22 Army may instead construct an Army Reserve Center and
23 acquire land in the vicinity of Bridgeport, Connecticut.

24 (d) AUTHORITY TO CARRY OUT ARMY RESERVE
25 CENTER PROJECT, FORT STORY, VIRGINIA.—In the case

1 of the authorization contained in the table in section 2602
2 of the Military Construction Authorization Act for Fiscal
3 Year 2011 (division B of Public Law 111–383; 124 Stat.
4 4453) for Fort Story, Virginia, for construction of an
5 Army Reserve Center, the Secretary of the Army may in-
6 stead construct an Army Reserve Center in the vicinity
7 of Fort Story, Virginia.

8 **SEC. 2612. ADDITIONAL AUTHORITY TO CARRY OUT CER-**
9 **TAIN FISCAL YEAR 2013 ARMY PROJECTS.**

10 (a) PROJECT AUTHORIZATIONS.—The Secretary of
11 the Army may carry out military construction projects to
12 construct the following:

13 (1) A defense access road for Conneaut Lake,
14 Pennsylvania, in the amount of \$4,800,000.

15 (2) An access control point for Fort Hunter
16 Liggett, California, in the amount of \$10,000,000.

17 (3) An Operational Readiness Training Com-
18 plex (ORTC) barracks for Camp Grayling, Michigan,
19 in the amount of \$17,000,000.

20 (4) A field maintenance shop for North Hyde
21 Park, Vermont, in the amount of \$4,397,000.

22 (5) A ground water extraction, treatment, and
23 recharge system for Camp Edwards, Massachusetts,
24 in the amount of \$5,200,000.

1 (b) USE OF UNOBLIGATED PRIOR-YEAR ARMY RE-
 2 SERVE AND ARMY NATIONAL GUARD MILITARY CON-
 3 STRUCTION FUNDS.—The Secretary may use available,
 4 unobligated Army Reserve and Army National Guard mili-
 5 tary construction funds appropriated for a fiscal year be-
 6 fore fiscal year 2013 for the projects described in sub-
 7 section (a).

8 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
 9 of the Army shall provide information in accordance with
 10 section 2851(c) of title 10, United States Code, regarding
 11 the projects described in subsection (a). If it becomes nec-
 12 essary to exceed the estimated project cost, the Secretary
 13 shall utilize the authority provided by section 2853 of such
 14 title regarding authorized cost and scope of work vari-
 15 ations.

16 **SEC. 2613. ADDITIONAL AUTHORITY TO CARRY OUT CER-**
 17 **TAIN FISCAL YEAR 2013 AIR FORCE**
 18 **PROJECTS.**

19 (a) PROJECT AUTHORIZATIONS.—The Secretary of
 20 the Air Force may carry out military construction projects
 21 to construct the following:

- 22 (1) A dormitory classroom facility for McGhee-
 23 Tyson Airport, Tennessee, in the amount of
 24 \$18,000,000.

1 (2) A joint regional deployment processing cen-
2 ter, phase 1, for March Air Reserve Base, Cali-
3 fornia, in the amount of \$16,900,000.

4 (b) USE OF UNOBLIGATED PRIOR-YEAR AIR FORCE
5 RESERVE AND AIR NATIONAL GUARD MILITARY CON-
6 STRUCTION FUNDS.—The Secretary may use available,
7 unobligated Air Force Reserve and Air National Guard
8 military construction funds appropriated for a fiscal year
9 before fiscal year 2013 for the projects described in sub-
10 section (a).

11 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
12 of the Air Force shall provide information in accordance
13 with section 2851(c) of title 10, United States Code, re-
14 garding the projects described in subsection (a). If it be-
15 comes necessary to exceed the estimated project cost, the
16 Secretary shall utilize the authority provided by section
17 2853 of such title regarding authorized cost and scope of
18 work variations.

19 **SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN**
20 **FISCAL YEAR 2009 PROJECT.**

21 (a) EXTENSION.—Notwithstanding section 2002 of
22 the Military Construction Authorization Act for Fiscal
23 Year 2009 (division B of Public Law 110–417; 122 Stat.
24 4658), the authorization set forth in the table in sub-
25 section (b), as provided in section 2604 of that Act (122

1 Stat. 4706), shall remain in effect until October 1, 2013,
 2 or the date of the enactment of an Act authorizing funds
 3 for military construction for fiscal year 2014, whichever
 4 is later.

5 (b) TABLE.—The table referred to in subsection (a)
 6 is as follows:

Air National Guard: Extension of 2009 Project Authorization

State	Installation or Location	Project	Amount
Mississippi ...	Gulfport-Biloxi Airport ..	Relocate Munitions Complex.	\$3,400,000

7 **SEC. 2615. EXTENSION OF AUTHORIZATION OF CERTAIN**
 8 **FISCAL YEAR 2010 PROJECTS.**

9 (a) EXTENSION.—Notwithstanding section 2002 of
 10 the Military Construction Authorization Act for Fiscal
 11 Year 2010 (division B of Public Law 111–84; 123 Stat.
 12 2627), the authorizations set forth in the tables in sub-
 13 section (b), as provided in sections 2602 and 2604 of that
 14 Act (123 Stat. 2649, 2651), shall remain in effect until
 15 October 1, 2013, or the date of the enactment of an Act
 16 authorizing funds for military construction for fiscal year
 17 2014, whichever is later.

18 (b) TABLE.—The tables referred to in subsection (a)
 19 are as follows:

Army Reserve: Extension of 2010 Project Authorization

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

1 **TITLE XXVII—BASE REALIGN-**
2 **MENT AND CLOSURE ACTIVI-**
3 **TIES**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
5 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
6 **TIES FUNDED THROUGH DEPARTMENT OF**
7 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

8 Funds are hereby authorized to be appropriated for
9 fiscal years beginning after September 30, 2012, for base
10 realignment and closure activities, including real property
11 acquisition and military construction projects, as author-
12 ized by the Defense Base Closure and Realignment Act
13 of 1990 (part A of title XXIX of Public Law 101–510;
14 10 U.S.C. 2687 note) and funded through the Department
15 of Defense Base Closure Account 1990 established by sec-
16 tion 2906 of such Act, in the total amount of
17 \$349,396,000, as follows:

18 (1) For the Department of the Army,
19 \$79,893,000.

20 (2) For the Department of the Navy,
21 \$146,951,000.

1 (3) For the Department of the Air Force,
2 \$122,552,000.

3 **SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
5 **TIES FUNDED THROUGH DEPARTMENT OF**
6 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

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 2005 established by sec-
15 tion 2906A of such Act, in the total amount of
16 \$126,697,000 as follows:

17 (1) For the Department of the Army,
18 \$106,219,000.

19 (2) For the Department of the Navy,
20 \$18,210,000.

21 (3) For the Department of the Air Force,
22 \$2,268,000.

1 **SEC. 2703. TECHNICAL AMENDMENTS TO SECTION 2702 OF**
 2 **FISCAL YEAR 2012 ACT.**

3 (a) CORRECTION.—Section 2702 of the Military Con-
 4 struction Authorization Act for Fiscal Year 2012 (division
 5 B of Public Law 112–81; 125 Stat. 1681) is amended by
 6 striking “Using amounts” and all that follows through
 7 “may carry out” and inserting “Funds are hereby author-
 8 ized to be appropriated for fiscal years beginning after
 9 September 30, 2011, for”.

10 (b) CONFORMING AMENDMENT.—The heading of
 11 such section is amended by striking “**AUTHORIZED**” and
 12 inserting “**AUTHORIZATION OF APPROPRIATIONS**
 13 **FOR**”.

14 **TITLE XXVIII—MILITARY CON-**
 15 **STRUCTION GENERAL PROVI-**
 16 **SIONS**

17 **SEC. 2801. USE OF PROCEEDS, LAND CONVEYANCE, TYN-**
 18 **DALL AIR FORCE BASE, FLORIDA.**

19 Section 2862(e) of the National Defense Authoriza-
 20 tion Act for Fiscal Year 2000 (Public Law 106–65; 113
 21 Stat. 868) is amended—

22 (1) by striking “and” and inserting a comma;
 23 and

24 (2) by inserting before the period at the end the
 25 following: “, or for other purposes, subject to the

1 same limitations, described in section 2667(e) of
2 title 10, United States Code”.

3 **SEC. 2802. EXTENSION OF TEMPORARY, LIMITED AUTHOR-**
4 **ITY TO USE OPERATION AND MAINTENANCE**
5 **FUNDS FOR CONSTRUCTION PROJECTS IN**
6 **CERTAIN AREAS OUTSIDE THE UNITED**
7 **STATES.**

8 Section 2808 of the Military Construction Authoriza-
9 tion Act for Fiscal Year 2004 (division B of Public Law
10 108–136; 117 Stat. 1723), as most recently amended by
11 section 2804 of the Military Construction Authorization
12 Act for Fiscal Year 2012 (division B of Public Law 112–
13 81; 125 Stat. 1685), is further amended—

14 (1) in subsection (c)—

15 (A) by striking paragraph (2);

16 (B) by redesignating paragraph (3) as
17 paragraph (2); and

18 (C) in paragraph (2), as so redesignated,
19 by striking the last sentence; and

20 (2) in subsection (h)—

21 (A) in paragraph (1), by striking “Sep-
22 tember 30, 2012” and inserting “September 30,
23 2013”; and

24 (B) in paragraph (2), by striking “fiscal
25 year 2013” and inserting “fiscal year 2014”.

1 **SEC. 2803. AUTHORITY FOR USE OF MULTIPLE APPROPRIA-**
2 **TIONS FOR INFRASTRUCTURE PROJECTS AT**
3 **ARLINGTON NATIONAL CEMETERY.**

4 (a) USE OF O&M FUNDS FOR SUSTAINMENT, RES-
5 TORATION, AND MODERNIZATION OF REAL PROPERTY.—
6 The Secretary of the Army may use funds authorized to
7 be appropriated for Operations and Maintenance, Army,
8 for fiscal year 2013 for sustainment, restoration, and
9 modernization of real property at Arlington National Cem-
10 etery in Arlington, Virginia.

11 (b) USE OF MILCON FUNDS TO SUPPORT CEME-
12 TERY EXPANSION AND INFRASTRUCTURE IMPROVE-
13 MENT.—The Secretary of the Army may use funds author-
14 ized to be appropriated for Military Construction, Army,
15 for fiscal year 2013 as follows:

16 (1) To undertake planning and design, unspec-
17 ified minor military construction projects, and other
18 military construction projects authorized by law at
19 Arlington National Cemetery in Arlington, Virginia.

20 (2) To carry out military construction projects
21 not covered by paragraph (1) and not otherwise au-
22 thorized by law to improve or support the expansion
23 of Arlington National Cemetery, subject to sub-
24 section (c).

25 (c) LIMITATION ON START OF NEW CONSTRUCTION
26 PROJECTS.—(1) A military construction project may be

1 carried out under subsection (b)(2) only with notification
2 to the congressional defense committees that is provided
3 at least 10 days before the start of the project. Such noti-
4 fication shall include—

5 (A) the justification for the project and the cur-
6 rent estimate of the cost of the project;

7 (B) the justification for carrying out the project
8 under this section; and

9 (C) a statement of the source of the funds to
10 be used.

11 (2) In this subsection, the term “congressional de-
12 fense committees” has the meaning given that term is sec-
13 tion 101(a)(16) of title 10, United States Code.

14 (d) **ADDITIONAL AUTHORITY.**—The authority pro-
15 vided by this section is in addition to the authority to use
16 the Cemeterial Expenses, Army, appropriation for nec-
17 essary expenses of the same general purpose.

18 **SEC. 2804. REVISIONS TO MINOR MILITARY CONSTRUCTION**

19 **AUTHORITIES.**

20 (a) **ESTABLISHMENT OF MINOR MILITARY CON-**
21 **STRUCTION EXCEPTION THRESHOLD.**—Subsection (a) of
22 section 2805 of title 10, United States Code, is amended
23 by adding at the end the following new paragraph:

24 “(3) For purposes of this section, the minor military
25 construction exception threshold is \$4,000,000.”.

1 (b) INCREASE IN DOLLAR THRESHOLDS FOR CER-
2 TAIN AUTHORITIES RELATING TO UNSPECIFIED MINOR
3 MILITARY CONSTRUCTION.—

4 (1) MAXIMUM AMOUNT FOR PROJECTS TO COR-
5 RECT DEFICIENCIES THAT ARE LIFE-, HEALTH-, OR
6 SAFETY-THREATENING.—Subsection (a)(2) of such
7 section is amended by striking “\$3,000,000” in the
8 second sentence and inserting “the minor military
9 construction exception threshold”.

10 (2) MAXIMUM AMOUNT FOR GENERAL RULE
11 FOR PROJECTS FOR WHICH O&M FUNDS MAY BE
12 USED.—Subsection (c) of such section is amended
13 by striking “\$750,000” and inserting “\$1,000,000”.

14 (3) EXCEPTION AMOUNT FOR SPECIFIED CAT-
15 EGORIES OF PROJECTS.—Subsection (c) of such sec-
16 tion is further amended—

17 (A) by striking “The Secretary” and in-
18 serting “Except as provided in paragraph (2),
19 the Secretary”; and

20 (B) by adding at the end the following new
21 paragraph:

22 “(2) Notwithstanding the amount specified in para-
23 graph (1), the Secretary concerned may spend from appro-
24 priations available for operation and maintenance amounts
25 necessary to carry out an unspecified minor military con-

1 construction project costing not more than the minor military
 2 construction exception threshold for projects as follows:

3 “(A) For a project to enhance the deployment
 4 and mobility of military forces and supplies.

5 “(B) For a project that is necessary to meet
 6 military operational requirements involving the use
 7 of the armed forces in support of—

8 “(i) a declaration of war;

9 “(ii) a declaration by the President of a
 10 national emergency under section 201 of the
 11 National Emergencies Act (50 U.S.C. 1621); or

12 “(iii) a contingency operation.”

13 (c) MINIMUM AMOUNT FOR PROJECTS SUBJECT TO
 14 SECRETARIAL APPROVAL AND CONGRESSIONAL NOTICE-
 15 AND-WAIT.—Subsection (b)(1) of such section is amended
 16 by striking “\$750,000” and inserting “the amount speci-
 17 fied in subsection (c)(1)”.

18 (d) CONFORMING AMENDMENT.—Subsection (b)(1)
 19 of such section is amended by striking “made available”
 20 in the second sentence and all that follows through “sup-
 21 plies” and inserting “as provided in subsection (c)(2)”.

22 (e) MODIFICATION AND EXTENSION OF AUTHORITY
 23 FOR LABORATORY REVITALIZATION PROJECTS.—

24 (1) MODIFICATION.—Subsection (d) of such
 25 section is amended—

1 (A) in paragraph (1)(A), by striking “not
2 more than \$2,000,000” and inserting “not
3 more than \$4,000,000, notwithstanding sub-
4 section (c)”; and

5 (B) in paragraph (2), by inserting after
6 “(2)” the following new sentence: “For pur-
7 poses of this subsection, an unspecified minor
8 military construction project is a military con-
9 struction project that (notwithstanding sub-
10 section (a)) has an approved cost equal to or
11 less than \$4,000,000.”.

12 (2) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) do not apply to any laboratory re-
14 vitalization project for which the design phase has
15 been completed as of the date of the enactment of
16 this Act.

17 **SEC. 2805. AUTHORITY FOR ACCEPTANCE OF FUNDS TO**
18 **COVER ADMINISTRATIVE EXPENSES ASSOCI-**
19 **ATED WITH REAL PROPERTY LEASES AND**
20 **EASEMENTS.**

21 Section 2667(e)(1)(C) of title 10, United States
22 Code, is amended by adding at the end the following new
23 clause:

24 “(vi) Amounts as the Secretary considers nec-
25 essary to cover program expenses incurred by the

1 Secretary under this section and for easements
2 under section 2668 of this title.”.

3 **SEC. 2806. MODIFICATION TO AUTHORIZED LAND CONVEY-**
4 **ANCE AND EXCHANGE, JOINT BASE ELMEN-**
5 **DORF RICHARDSON, ALASKA.**

6 (a) CHANGE IN OFFICER AUTHORIZED TO CARRY
7 OUT THE CONVEYANCES.—Subsection (a) of section 2851
8 of the National Defense Authorization Act for Fiscal Year
9 2012 (Public Law 112–81; 125 Stat. 1697) is amended—

10 (1) in paragraph (1), by striking “The Sec-
11 retary of the Air Force may, in consultation with the
12 Secretary of the Interior” and inserting “The Sec-
13 retary of the Interior may, in consultation with the
14 Secretary of the Air Force”; and

15 (2) in paragraph (2)—

16 (A) by striking “The Secretary of the Air
17 Force may, in consultation with the Secretary
18 of the Interior, upon terms mutually agreeable
19 to the Secretary of the Air Force” and inserting
20 “The Secretary of the Interior may, in con-
21 sultation with the Secretary of the Air Force,
22 upon terms mutually agreeable to the Secretary
23 of the Interior”; and

24 (B) by striking “in consultation with the
25 Secretary of the Interior” and inserting “in

1 consultation with the Secretary of the Air
2 Force”.

3 (b) CONFORMING AMENDMENTS.—Such section is
4 further amended—

5 (1) in subsection (a)(3), by inserting “of the In-
6 terior” after “Secretary”;

7 (2) in subsection (c)—

8 (A) by striking “The Secretary of the Air
9 Force” in paragraph (1) and inserting “The
10 Secretary of the Interior”; and

11 (B) by striking “the Secretary” each place
12 it appears and inserting “the Secretaries”; and

13 (3) in subsections (e) and (f), by inserting “of
14 the Interior” after “Secretary”.

15 (c) TECHNICAL AMENDMENT.—Subsection (a)(1) of
16 such section is further amended by striking “JBER” and
17 inserting “Joint Base Elmendorf Richardson, Alaska (in
18 this section referred to as ‘JBER’),”.

19 **TITLE XXIX—DEFENSE BASE** 20 **CLOSURE AND REALIGNMENT**

21 **SEC. 2901. SHORT TITLE AND PURPOSE.**

22 (a) SHORT TITLE.—This title may be cited as the
23 “Defense Base Closure and Realignment Act of 2012”.

24 (b) PURPOSE.—The purpose of this title is to provide
25 a fair process that will result in the timely closure and

1 realignment of military installations inside the United
2 States.

3 **SEC. 2902. THE COMMISSION.**

4 (a) ESTABLISHMENT.—There is established an inde-
5 pendent commission to be known as the “Defense Base
6 Closure and Realignment Commission”.

7 (b) DUTIES.—The Commission shall carry out the
8 duties specified for it in this title.

9 (c) APPOINTMENT.—(1)(A) The Commission shall be
10 composed of nine members appointed by the President, by
11 and with the advice and consent of the Senate.

12 (B) Subject to the certifications required under sec-
13 tion 2903(b), the President may commence a round for
14 the selection of military installations for closure and re-
15 alignment under this title in 2013 and 2015 by transmit-
16 ting to the Senate, nominations for appointment to the
17 Commission—

18 (i) by no later than March 1, 2013, in the case
19 of members of the Commission whose terms will ex-
20 pire at the end of the first session of the 113th Con-
21 gress; and

22 (ii) by no later than March 2, 2015, in the case
23 of members of the Commission whose terms will ex-
24 pire at the end of the first session of the 114th Con-
25 gress.

1 (C) If the President does not transmit to Congress
2 the nominations for appointment to the Commission on
3 or before the date specified, the process by which military
4 installations may be selected for closure or realignment
5 under this title with respect to that year shall be termi-
6 nated.

7 (2) In selecting individuals for nominations for ap-
8 pointments to the Commission, the President should con-
9 sult with—

10 (A) the Speaker of the House of Representa-
11 tives concerning the appointment of two members;

12 (B) the majority leader of the Senate con-
13 cerning the appointment of two members;

14 (C) the minority leader of the House of Rep-
15 resentatives concerning the appointment of one
16 member; and

17 (D) the minority leader of the Senate con-
18 cerning the appointment of one member.

19 (3) At the time the President nominates individuals
20 for appointment to the Commission for each session of
21 Congress referred to in paragraph (1)(B), the President
22 shall designate one such individual who shall serve as
23 Chairman of the Commission.

24 (d) TERMS.—(1) Except as provided in paragraph
25 (2), each member of the Commission shall serve until the

1 adjournment of Congress sine die for the session during
2 which the member was appointed to the Commission.

3 (2) The Chairman of the Commission shall serve until
4 the confirmation of a successor.

5 (e) MEETINGS.—(1) The Commission shall meet only
6 during calendar years 2013 and 2015.

7 (2)(A) Each meeting of the Commission, other than
8 meetings in which classified information is to be discussed,
9 shall be open to the public.

10 (B) All the proceedings, information, and delibera-
11 tions of the Commission shall be open, upon request, to
12 the following:

13 (i) The Chairman and the ranking minority
14 party member of the Subcommittee on Readiness
15 and Management Support of the Committee on
16 Armed Services of the Senate, or such other mem-
17 bers of the Subcommittee designated by such Chair-
18 man or ranking minority party member.

19 (ii) The Chairman and the ranking minority
20 party member of the Subcommittee on Readiness of
21 the Committee on Armed Services of the House of
22 Representatives, or such other members of the Sub-
23 committee designated by such Chairman or ranking
24 minority party member.

1 (iii) The Chairmen and ranking minority party
2 members of the subcommittees with jurisdiction for
3 military construction of the Committees on Appro-
4 priations of the Senate and of the House of Rep-
5 resentatives, or such other members of the sub-
6 committees designated by such Chairmen or ranking
7 minority party members.

8 (f) VACANCIES.—A vacancy in the Commission shall
9 be filled in the same manner as the original appointment,
10 but the individual appointed to fill the vacancy shall serve
11 only for the unexpired portion of the term for which the
12 individual's predecessor was appointed.

13 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each
14 member, other than the Chairman, shall be paid at a rate
15 equal to the daily equivalent of the minimum annual rate
16 of basic pay payable for level IV of the Executive Schedule
17 under section 5315 of title 5, United States Code, for each
18 day (including travel time) during which the member is
19 engaged in the actual performance of duties vested in the
20 Commission.

21 (B) The Chairman shall be paid for each day referred
22 to in subparagraph (A) at a rate equal to the daily equiva-
23 lent of the minimum annual rate of basic pay payable for
24 level III of the Executive Schedule under section 5314,
25 of title 5, United States Code.

1 (2) Members shall receive travel expenses, including
2 per diem in lieu of subsistence, in accordance with sections
3 5702 and 5703 of title 5, United States Code.

4 (h) DIRECTOR OF STAFF.—(1) The Commission
5 shall, without regard to section 5311 of title 5, United
6 States Code, appoint a Director who has not served on
7 active duty in the Armed Forces or as a civilian employee
8 of the Department of Defense during the one-year period
9 preceding the date of such appointment.

10 (2) The Director shall be paid at the rate of basic
11 pay payable for level IV of the Executive Schedule under
12 section 5315 of title 5, United States Code.

13 (i) STAFF.—(1) Subject to paragraphs (2) and (3),
14 the Director, with the approval of the Commission, may
15 appoint and fix the pay of additional personnel.

16 (2) The Director may make such appointments with-
17 out regard to the provisions of title 5, United States Code,
18 governing appointments in the competitive service, and
19 any personnel so appointed may be paid without regard
20 to the provisions of chapter 51 and subchapter III of chap-
21 ter 53 of that title relating to classification and General
22 Schedule pay rates, except that an individual so appointed
23 may not receive pay in excess of the annual rate of basic
24 pay payable for GS-15 of the General Schedule.

1 (3)(A) Not more than one-third of the personnel em-
2 ployed by or detailed to the Commission may be on detail
3 from the Department of Defense.

4 (B)(i) Not more than one-fifth of the professional an-
5 alysts of the Commission staff may be persons detailed
6 from the Department of Defense to the Commission.

7 (ii) No person detailed from the Department of De-
8 fense to the Commission may be assigned as the lead pro-
9 fessional analyst with respect to a military department or
10 defense agency.

11 (C) A person may not be detailed from the Depart-
12 ment of Defense to the Commission if, within 12 months
13 before the detail is to begin, that person participated per-
14 sonally and substantially in any matter within the Depart-
15 ment of Defense concerning the preparation of rec-
16 ommendations for closures or realignments of military in-
17 stallations.

18 (D) No member of the Armed Forces, and no officer
19 or employee of the Department of Defense, may—

20 (i) prepare any report concerning the effective-
21 ness, fitness, or efficiency of the performance on the
22 staff of the Commission of any person detailed from
23 the Department of Defense to that staff;

24 (ii) review the preparation of such a report; or

25 (iii) approve or disapprove such a report.

1 (4) Upon request of the Director, the head of any
2 Federal department or agency may detail any of the per-
3 sonnel of that department or agency to the Commission
4 to assist the Commission in carrying out its duties under
5 this title.

6 (5) The Comptroller General of the United States
7 shall provide assistance, including the detailing of employ-
8 ees, to the Commission in accordance with an agreement
9 entered into with the Commission.

10 (6) The following restrictions relating to the per-
11 sonnel of the Commission shall apply during 2014:

12 (A) There may not be more than 15 persons on
13 the staff at any one time.

14 (B) The staff may perform only such functions
15 as are necessary to prepare for the transition to new
16 membership on the Commission in the following
17 year.

18 (C) No member of the Armed Forces and no
19 employee of the Department of Defense may serve
20 on the staff.

21 (j) OTHER AUTHORITY.—(1) The Commission may
22 procure by contract, to the extent funds are available, the
23 temporary or intermittent services of experts or consult-
24 ants pursuant to section 3109 of title 5, United States
25 Code.

1 (2) The Commission may lease space and acquire per-
2 sonal property to the extent funds are available.

3 (k) FUNDING.—(1) There are authorized to be appro-
4 priated to the Commission such funds as are necessary
5 to carry out its duties under this title. Such funds shall
6 remain available until expended.

7 (2) If no funds are appropriated to the Commission
8 by the end of the second session of the 112th Congress
9 for activities of the Commission in 2013 or by the end
10 of the second session of the 113th Congress for the activi-
11 ties of the Commission in 2015, the Secretary of Defense
12 may transfer to the Commission for purposes of its activi-
13 ties under this title in that year such funds as the Com-
14 mission may require to carry out such activities. The Sec-
15 retary may transfer funds under the preceding sentence
16 from any funds available to the Secretary. Funds so trans-
17 ferred shall remain available to the Commission for such
18 purposes until expended.

19 (l) TERMINATION.—The Commission shall terminate
20 on April 15, 2016.

21 (m) PROHIBITION AGAINST RESTRICTING COMMU-
22 NICATIONS.—Section 1034 of title 10, United States
23 Code, shall apply with respect to communications with the
24 Commission.

1 **SEC. 2903. PROCEDURE FOR MAKING RECOMMENDATIONS**
2 **FOR BASE CLOSURES AND REALIGNMENTS.**

3 (a) **FORCE-STRUCTURE PLAN AND INFRASTRUCTURE**
4 **INVENTORY.—**

5 (1) **PREPARATION AND SUBMISSION.—**Not later
6 than 60 days after the date of the enactment of this
7 Act, with respect to a round of base closures and re-
8 alignments in calendar year 2013, and as part of the
9 budget justification documents submitted to Con-
10 gress in support of the budget for the Department
11 of Defense for fiscal year 2015 with respect to a
12 round of base closures and realignments in calendar
13 year 2015, the Secretary shall submit to Congress
14 the following:

15 (A) A force-structure plan for the Armed
16 Forces based on an assessment by the Sec-
17 retary of the probable threats to the national
18 security during the 20-year period beginning
19 with that fiscal year, the probable end-strength
20 levels and major military force units (including
21 land force divisions, carrier and other major
22 combatant vessels, air wings, and other com-
23 parable units) needed to meet these threats,
24 and the anticipated levels of funding that will
25 be available for national defense purposes dur-
26 ing such period.

1 (B) A comprehensive inventory of military
2 installations world-wide for each military de-
3 partment, with specifications of the number and
4 type of facilities in the active and reserve forces
5 of each military department.

6 (2) RELATIONSHIP OF PLAN AND INVEN-
7 TORY.—Using the force-structure plan and infra-
8 structure inventory prepared under paragraph (1),
9 the Secretary shall prepare (and include as part of
10 the submission of such plan and inventory) the fol-
11 lowing:

12 (A) A description of the infrastructure nec-
13 essary to support the force structure described
14 in the force-structure plan.

15 (B) A discussion of categories of excess in-
16 frastructure and infrastructure capacity.

17 (C) An economic analysis of the effect of
18 the closure or realignment of military installa-
19 tions to reduce excess infrastructure.

20 (3) SPECIAL CONSIDERATIONS.—In determining
21 the level of necessary versus excess infrastructure
22 under paragraph (2), the Secretary shall consider
23 the following:

24 (A) The anticipated continuing need for
25 and availability of military installations outside

1 the United States, taking into account current
2 restrictions on the use of military installations
3 outside the United States and the potential for
4 future prohibitions or restrictions on the use of
5 such military installations.

6 (B) Any efficiencies that may be gained
7 from joint tenancy by more than one branch of
8 the Armed Forces at a military installation.

9 (4) REVISION.—The Secretary may revise the
10 force-structure plan and infrastructure inventory. If
11 the Secretary makes such a revision, the Secretary
12 shall submit the revised plan or inventory to Con-
13 gress not later than March 15th of the year fol-
14 lowing the year in which such plan was first sub-
15 mitted. For purposes of selecting military installa-
16 tions for closure or realignment under this title in
17 the year in which a revision is submitted, no revision
18 of the force-structure plan or infrastructure inven-
19 tory is authorized after that date.

20 (b) CERTIFICATION OF NEED FOR FURTHER CLO-
21 SURES AND REALIGNMENTS.—

22 (1) CERTIFICATION REQUIRED.—On the basis
23 of the force-structure plan and infrastructure inven-
24 tory prepared under subsection (a) and the descrip-
25 tions and economic analysis prepared under such

1 subsection, the Secretary shall include as part of the
2 submission of the plan and inventory—

3 (A) a certification regarding whether the
4 need exists for the closure or realignment of ad-
5 ditional military installations; and

6 (B) if such need exists, a certification that
7 the additional round of closures and realign-
8 ments would result in annual net savings for
9 each of the military departments beginning not
10 later than six years following the commence-
11 ment of such closures and realignments.

12 (2) EFFECT OF FAILURE TO CERTIFY.—If the
13 Secretary does not include the certifications referred
14 to in paragraph (1), the President may not com-
15 mence a round for the selection of military installa-
16 tions for closure and realignment under this title in
17 the year following submission of the force-structure
18 plan and infrastructure inventory.

19 (c) COMPTROLLER GENERAL EVALUATION.—

20 (1) EVALUATION REQUIRED.—If the certifi-
21 cation is provided under subsection (b), the Comp-
22 troller General shall prepare an evaluation of the fol-
23 lowing:

24 (A) The force-structure plan and infra-
25 structure inventory prepared under subsection

1 (a) and the final selection criteria specified in
2 paragraph (d), including an evaluation of the
3 accuracy and analytical sufficiency of such plan,
4 inventory, and criteria.

5 (B) The need for the closure or realign-
6 ment of additional military installations.

7 (2) SUBMISSION.—The Comptroller General
8 shall submit the evaluation to Congress not later
9 than 60 days after the date on which the force-
10 structure plan and infrastructure inventory are sub-
11 mitted to Congress.

12 (d) FINAL SELECTION CRITERIA.—

13 (1) IN GENERAL.—The final criteria to be used
14 by the Secretary in making recommendations for the
15 closure or realignment of military installations inside
16 the United States under this title in 2013 and 2015
17 shall be the military value and other criteria speci-
18 fied in paragraphs (2) and (3).

19 (2) MILITARY VALUE CRITERIA.—The military
20 value criteria are as follows:

21 (A) The current and future mission capa-
22 bilities and the impact on operational readiness
23 of the total force of the Department of Defense,
24 including the impact on joint warfighting, train-
25 ing, and readiness.

1 (B) The availability and condition of land,
2 facilities, and associated airspace (including
3 training areas suitable for maneuver by ground,
4 naval, or air forces throughout a diversity of cli-
5 mate and terrain areas and staging areas for
6 the use of the Armed Forces in homeland de-
7 fense missions) at both existing and potential
8 receiving locations.

9 (C) The ability to accommodate contin-
10 gency, mobilization, surge, and future total
11 force requirements at both existing and poten-
12 tial receiving locations to support operations
13 and training.

14 (D) The cost of operations and the man-
15 power implications.

16 (3) OTHER CRITERIA.—The other criteria that
17 the Secretary shall use in making recommendations
18 for the closure or realignment of military installa-
19 tions inside the United States under this title in
20 2013 and 2015 are as follows:

21 (A) The extent and timing of potential
22 costs and savings, including the number of
23 years, beginning with the date of completion of
24 the closure or realignment, for the savings to
25 exceed the costs.

1 (B) The economic impact on existing com-
2 munities in the vicinity of military installations.

3 (C) The ability of the infrastructure of
4 both the existing and potential receiving com-
5 munities to support forces, missions, and per-
6 sonnel.

7 (D) The environmental impact, including
8 the impact of costs related to potential environ-
9 mental restoration, waste management, and en-
10 vironmental compliance activities.

11 (e) PRIORITY GIVEN TO MILITARY VALUE.—The
12 Secretary shall give priority consideration to the military
13 value criteria specified in subsection (d)(2) in the making
14 of recommendations for the closure or realignment of mili-
15 tary installations.

16 (f) EFFECT ON DEPARTMENT AND OTHER AGENCY
17 COSTS.—The selection criteria relating to the cost savings
18 or return on investment from the proposed closure or re-
19 alignment of military installations shall take into account
20 the effect of the proposed closure or realignment on the
21 costs of any other activity of the Department of Defense
22 or any other Federal agency that may be required to as-
23 sume responsibility for activities at the military installa-
24 tions.

1 (g) RELATION TO OTHER MATERIALS.—The final se-
2 lection criteria specified in this section shall be the only
3 criteria to be used, along with the force-structure plan and
4 infrastructure inventory referred to in subsection (a), in
5 making recommendations for the closure or realignment
6 of military installations inside the United States under
7 this title in 2013 and 2015.

8 (h) DoD RECOMMENDATIONS.—(1) If the Secretary
9 makes the certifications required under subsection (b), the
10 Secretary shall, by no later than May 17, 2013, and May
11 15, 2015, publish in the Federal Register and transmit
12 to the congressional defense committees and to the Com-
13 mission a list of the military installations inside the United
14 States that the Secretary recommends for closure or re-
15 alignment on the basis of the force-structure plan and in-
16 frastructure inventory prepared by the Secretary under
17 subsection (a) and the final selection criteria specified in
18 subsection (d) that are applicable to the year concerned.

19 (2) The Secretary shall include, with the list of rec-
20 ommendations published and transmitted pursuant to
21 paragraph (1), a summary of the selection process that
22 resulted in the recommendation for each installation, in-
23 cluding a justification for each recommendation. The Sec-
24 retary shall transmit the matters referred to in the pre-
25 ceding sentence not later than 7 days after the date of

1 the transmittal to the congressional defense committees
2 and the Commission of the list referred to in paragraph
3 (1).

4 (3)(A) In considering military installations for clo-
5 sure or realignment, the Secretary shall consider all mili-
6 tary installations inside the United States equally without
7 regard to whether the installation has been previously con-
8 sidered or proposed for closure or realignment by the De-
9 partment.

10 (B) In considering military installations for closure
11 or realignment, the Secretary may not take into account
12 for any purpose any advance conversion planning under-
13 taken by an affected community with respect to the antici-
14 pated closure or realignment of an installation.

15 (C) For purposes of subparagraph (B), in the case
16 of a community anticipating the economic effects of a clo-
17 sure or realignment of a military installation, advance con-
18 version planning—

19 (i) shall include community adjustment and eco-
20 nomic diversification planning undertaken by the
21 community before an anticipated selection of a mili-
22 tary installation in or near the community for clo-
23 sure or realignment; and

24 (ii) may include the development of contingency
25 redevelopment plans, plans for economic develop-

1 ment and diversification, and plans for the joint use
2 (including civilian and military use, public and pri-
3 vate use, civilian dual use, and civilian shared use)
4 of the property or facilities of the installation after
5 the anticipated closure or realignment.

6 (D) In making recommendations to the Commission,
7 the Secretary shall consider any notice received from a
8 local government in the vicinity of a military installation
9 that the government would approve of the closure or re-
10 alignment of the installation.

11 (E) Notwithstanding the requirement in subpara-
12 graph (D), the Secretary shall make the recommendations
13 referred to in that subparagraph based on the force-struc-
14 ture plan, infrastructure inventory, and final selection cri-
15 teria otherwise applicable to such recommendations.

16 (F) The recommendations shall include a statement
17 of the result of the consideration of any notice described
18 in subparagraph (D) that is received with respect to a
19 military installation covered by such recommendations.
20 The statement shall set forth the reasons for the result.

21 (4) In addition to making all information used by the
22 Secretary to prepare the recommendations under this sub-
23 section available to Congress (including any committee or
24 member of Congress), the Secretary shall also make such

1 information available to the Commission and the Comp-
2 troller General of the United States.

3 (5)(A) Each person referred to in subparagraph (B),
4 when submitting information to the Secretary of Defense
5 or the Commission concerning the closure or realignment
6 of a military installation, shall certify that such informa-
7 tion is accurate and complete to the best of that person's
8 knowledge and belief.

9 (B) Subparagraph (A) applies to the following per-
10 sons:

11 (i) The Secretaries of the military departments.

12 (ii) The heads of the Defense Agencies.

13 (iii) Each person who is in a position the duties
14 of which include personal and substantial involve-
15 ment in the preparation and submission of informa-
16 tion and recommendations concerning the closure or
17 realignment of military installations, as designated
18 in regulations which the Secretary of Defense shall
19 prescribe, regulations which the Secretary of each
20 military department shall prescribe for personnel
21 within that military department, or regulations
22 which the head of each Defense Agency shall pre-
23 scribe for personnel within that Defense Agency.

24 (6) Any information provided to the Commission by
25 a person described in paragraph (5)(B) shall also be sub-

1 mitted to the Senate and the House of Representatives
2 to be made available to the Members of the House con-
3 cerned in accordance with the rules of that House. The
4 information shall be submitted to the Senate and House
5 of Representatives within 48 hours after the submission
6 of the information to the Commission.

7 (i) REVIEW AND RECOMMENDATIONS BY THE COM-
8 MISSION.—(1) After receiving the recommendations from
9 the Secretary pursuant to subsection (h) for any year, the
10 Commission shall conduct public hearings on the rec-
11 ommendations. All testimony before the Commission at a
12 public hearing conducted under this paragraph shall be
13 presented under oath.

14 (2)(A) The Commission shall, by no later than Octo-
15 ber 1 of each year in which the Secretary transmits rec-
16 ommendations to it pursuant to subsection (h), transmit
17 to the President a report containing the Commission's
18 findings and conclusions based on a review and analysis
19 of the recommendations made by the Secretary, together
20 with the Commission's recommendations for closures and
21 realignments of military installations inside the United
22 States.

23 (B) Subject to subparagraphs (C) and (E), in making
24 its recommendations, the Commission may make changes
25 in any of the recommendations made by the Secretary if

1 the Commission determines that the Secretary deviated
2 substantially from the force-structure plan and final cri-
3 teria referred to in subsection (d)(1) in making rec-
4 ommendations.

5 (C) In the case of a change described in subpara-
6 graph (D) in the recommendations made by the Secretary,
7 the Commission may make the change only if—

8 (i) the Commission—

9 (I) makes the determination required by
10 subparagraph (B);

11 (II) determines that the change is con-
12 sistent with the force-structure plan and final
13 criteria referred to in subsection (d)(1);

14 (III) publishes a notice of the proposed
15 change in the Federal Register not less than 45
16 days before transmitting its recommendations
17 to the President pursuant to subparagraph (A);
18 and

19 (IV) conducts public hearings on the pro-
20 posed change;

21 (ii) at least two members of the Commission
22 visit the military installation before the date of the
23 transmittal of the report; and

1 (iii) the decision of the Commission to make the
2 change is supported by at least seven members of
3 the Commission.

4 (D) Subparagraph (C) shall apply to a change by the
5 Commission in the Secretary's recommendations that
6 would—

7 (i) add a military installation to the list of mili-
8 tary installations recommended by the Secretary for
9 closure;

10 (ii) add a military installation to the list of mili-
11 tary installations recommended by the Secretary for
12 realignment; or

13 (iii) increase the extent of a realignment of a
14 particular military installation recommended by the
15 Secretary.

16 (E) The Commission may not consider making a
17 change in the recommendations of the Secretary that
18 would add a military installation to the Secretary's list of
19 installations recommended for closure or realignment un-
20 less, in addition to the requirements of subparagraph
21 (C)—

22 (i) the Commission provides the Secretary with
23 at least a 15-day period, before making the change,
24 in which to submit an explanation of the reasons

1 why the installation was not included on the closure
2 or realignment list by the Secretary; and

3 (ii) the decision to add the installation for Com-
4 mission consideration is supported by at least seven
5 members of the Commission.

6 (F) In making recommendations under this para-
7 graph, the Commission may not take into account for any
8 purpose any advance conversion planning undertaken by
9 an affected community with respect to the anticipated clo-
10 sure or realignment of a military installation.

11 (3) The Commission shall explain and justify in its
12 report submitted to the President pursuant to paragraph
13 (2) any recommendation made by the Commission that is
14 different from the recommendations made by the Sec-
15 retary pursuant to subsection (h). The Commission shall
16 transmit a copy of such report to the congressional defense
17 committees on the same date on which it transmits its rec-
18 ommendations to the President under paragraph (2).

19 (4) After October 1 of each year in which the Com-
20 mission transmits recommendations to the President
21 under this subsection, the Commission shall promptly pro-
22 vide, upon request, to any Member of Congress informa-
23 tion used by the Commission in making its recommenda-
24 tions.

1 (5) The Comptroller General of the United States
2 shall—

3 (A) assist the Commission, to the extent re-
4 requested, in the Commission’s review and analysis of
5 the recommendations made by the Secretary pursu-
6 ant to subsection (h); and

7 (B) by no later than July 1 of each year in
8 which the Secretary makes such recommendations,
9 transmit to the Congress and to the Commission a
10 report containing a detailed analysis of the Sec-
11 retary’s recommendations and selection process.

12 (j) REVIEW BY THE PRESIDENT.—(1) The President
13 shall, by no later than October 15 of each year in which
14 the Commission makes recommendations under subsection
15 (i), transmit to the Commission and to the Congress a
16 report containing the President’s approval or disapproval
17 of the Commission’s recommendations.

18 (2) If the President approves all the recommenda-
19 tions of the Commission, the President shall transmit a
20 copy of such recommendations to the Congress, together
21 with a certification of such approval.

22 (3) If the President disapproves the recommendations
23 of the Commission, in whole or in part, the President shall
24 transmit to the Commission and the Congress the reasons
25 for that disapproval. The Commission shall then transmit

1 to the President, by no later than November 18 of the
2 year concerned, a revised list of recommendations for the
3 closure and realignment of military installations.

4 (4) If the President approves all of the revised rec-
5 ommendations of the Commission transmitted to the
6 President under paragraph (3), the President shall trans-
7 mit a copy of such revised recommendations to the Con-
8 gress, together with a certification of such approval.

9 (5) If the President does not transmit to the Con-
10 gress an approval and certification described in paragraph
11 (2) or (4) by December 2 of any year in which the Com-
12 mission has transmitted recommendations to the Presi-
13 dent under this title, the process by which military instal-
14 lations may be selected for closure or realignment under
15 this title with respect to that year shall be terminated.

16 **SEC. 2904. CLOSURE AND REALIGNMENT OF MILITARY IN-**
17 **STALLATIONS.**

18 (a) IN GENERAL.—Subject to subsection (b), the Sec-
19 retary shall—

20 (1) close all military installations recommended
21 for closure by the Commission in each report trans-
22 mitted to the Congress by the President pursuant to
23 section 2903(j);

1 (2) realign all military installations rec-
2 ommended for realignment by such Commission in
3 each such report;

4 (3) carry out the privatization in place of a
5 military installation recommended for closure or re-
6 alignment by the Commission only if privatization in
7 place is a method of closure or realignment of the
8 military installation specified in the recommenda-
9 tions of the Commission in such report and is deter-
10 mined by the Commission to be the most cost-effec-
11 tive method of implementation of the recommenda-
12 tion;

13 (4) initiate all such closures and realignments
14 no later than two years after the date on which the
15 President transmits a report to the Congress pursu-
16 ant to section 2903(j) containing the recommenda-
17 tions for such closures or realignments; and

18 (5) complete all such closures and realignments
19 no later than the end of the six-year period begin-
20 ning on the date on which the President transmits
21 the report pursuant to section 2903(j) containing
22 the recommendations for such closures or realign-
23 ments.

24 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-
25 retary may not carry out any closure or realignment rec-

1 ommended by the Commission in a report transmitted
2 from the President pursuant to section 2903(j) if a joint
3 resolution is enacted, in accordance with the provisions of
4 section 2908, disapproving such recommendations of the
5 Commission before the earlier of—

6 (A) the end of the 45-day period beginning on
7 the date on which the President transmits such re-
8 port; or

9 (B) the adjournment of Congress sine die for
10 the session during which such report is transmitted.

11 (2) For purposes of paragraph (1) of this subsection
12 and subsections (a) and (c) of section 2908, the days on
13 which either House of Congress is not in session because
14 of adjournment of more than three days to a day certain
15 shall be excluded in the computation of a period.

16 **SEC. 2905. IMPLEMENTATION.**

17 (a) IN GENERAL.—(1) In closing or realigning any
18 military installation under this title, the Secretary may—

19 (A) take such actions as may be necessary to
20 close or realign any military installation, including
21 the acquisition of such land, the construction of such
22 replacement facilities, the performance of such ac-
23 tivities, and the conduct of such advance planning
24 and design as may be required to transfer functions
25 from a military installation being closed or realigned

1 to another military installation, and may use for
2 such purpose funds in the Account or funds appro-
3 priated to the Department of Defense for use in
4 planning and design, minor construction, or oper-
5 ation and maintenance;

6 (B) provide—

7 (i) economic adjustment assistance to any
8 community located near a military installation
9 being closed or realigned, and

10 (ii) community planning assistance to any
11 community located near a military installation
12 to which functions will be transferred as a re-
13 sult of the closure or realignment of a military
14 installation,

15 if the Secretary of Defense determines that the fi-
16 nancial resources available to the community (by
17 grant or otherwise) for such purposes are inad-
18 equate, and may use for such purposes funds in the
19 Account or funds appropriated to the Department of
20 Defense for economic adjustment assistance or com-
21 munity planning assistance;

22 (C) carry out activities for the purposes of envi-
23 ronmental restoration and mitigation at any such in-
24 stallation, and shall use for such purposes funds in
25 the Account;

1 (D) provide outplacement assistance to civilian
2 employees employed by the Department of Defense
3 at military installations being closed or realigned,
4 and may use for such purpose funds in the Account
5 or funds appropriated to the Department of Defense
6 for outplacement assistance to employees; and

7 (E) reimburse other Federal agencies for ac-
8 tions performed at the request of the Secretary with
9 respect to any such closure or realignment, and may
10 use for such purpose funds in the Account or funds
11 appropriated to the Department of Defense and
12 available for such purpose.

13 (2) In carrying out any closure or realignment under
14 this title, the Secretary shall ensure that environmental
15 restoration of any property made excess to the needs of
16 the Department of Defense as a result of such closure or
17 realignment be carried out as soon as possible with funds
18 available for such purpose.

19 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

20 (1) The Administrator of General Services shall delegate
21 to the Secretary of Defense, with respect to excess and
22 surplus real property, facilities, and personal property lo-
23 cated at a military installation closed or realigned under
24 this title—

1 (A) the authority of the Administrator to utilize
2 excess property under subchapter II of chapter 5 of
3 title 40, United States Code;

4 (B) the authority of the Administrator to dis-
5 pose of surplus property under subchapter III of
6 chapter 5 of title 40, United States Code;

7 (C) the authority to dispose of surplus property
8 for public airports under sections 47151 through
9 47153 of title 49, United States Code; and

10 (D) the authority of the Administrator to deter-
11 mine the availability of excess or surplus real prop-
12 erty for wildlife conservation purposes in accordance
13 with the Act of May 19, 1948 (16 U.S.C. 667b).

14 (2)(A) Subject to subparagraph (B) and paragraphs
15 (3), (4), (5), and (6), the Secretary of Defense shall exer-
16 cise the authority delegated to the Secretary pursuant to
17 paragraph (1) in accordance with—

18 (i) all regulations governing the utilization of
19 excess property and the disposal of surplus property
20 under subtitle I of title 40, United States Code; and

21 (ii) all regulations governing the conveyance
22 and disposal of property under section 13(g) of the
23 Surplus Property Act of 1944 (50 U.S.C. App.
24 1622(g)).

1 (B) The Secretary may, with the concurrence of the
2 Administrator of General Services—

3 (i) prescribe general policies and methods for
4 utilizing excess property and disposing of surplus
5 property pursuant to the authority delegated under
6 paragraph (1); and

7 (ii) issue regulations relating to such policies
8 and methods, which shall supersede the regulations
9 referred to in subparagraph (A) with respect to that
10 authority.

11 (C) The Secretary of Defense may transfer real prop-
12 erty or facilities located at a military installation to be
13 closed or realigned under this title, with or without reim-
14 bursement, to a military department or other entity (in-
15 cluding a nonappropriated fund instrumentality) within
16 the Department of Defense or the Coast Guard.

17 (D) Before any action may be taken with respect to
18 the disposal of any surplus real property or facility located
19 at any military installation to be closed or realigned under
20 this title, the Secretary of Defense shall consult with the
21 Governor of the State and the heads of the local govern-
22 ments concerned for the purpose of considering any plan
23 for the use of such property by the local community con-
24 cerned.

1 (E) If a military installation to be closed, realigned,
2 or placed in an inactive status under this title includes
3 a road used for public access through, into, or around the
4 installation, the Secretary of Defense shall consult with
5 the Governor of the State and the heads of the local gov-
6 ernments concerned or the purpose of considering the con-
7 tinued availability of the road for public use after the in-
8 stallation is closed, realigned, or placed in an inactive sta-
9 tus.

10 (3)(A) Not later than 6 months after the date of ap-
11 proval of the closure or realignment of a military installa-
12 tion under this title, the Secretary, in consultation with
13 the redevelopment authority with respect to the installa-
14 tion, shall—

15 (i) inventory the personal property located at
16 the installation; and

17 (ii) identify the items (or categories of items) of
18 such personal property that the Secretary deter-
19 mines to be related to real property and anticipates
20 will support the implementation of the redevelop-
21 ment plan with respect to the installation.

22 (B) If no redevelopment authority referred to in sub-
23 paragraph (A) exists with respect to an installation, the
24 Secretary shall consult with—

1 (i) the local government in whose jurisdiction
2 the installation is wholly located; or

3 (ii) a local government agency or State govern-
4 ment agency designated for the purpose of such con-
5 sultation by the chief executive officer of the State
6 in which the installation is located.

7 (C)(i) Except as provided in subparagraphs (E) and
8 (F), the Secretary may not carry out any of the activities
9 referred to in clause (ii) with respect to an installation
10 referred to in that clause until the earlier of—

11 (I) one week after the date on which the rede-
12 velopment plan for the installation is submitted to
13 the Secretary;

14 (II) the date on which the redevelopment au-
15 thority notifies the Secretary that it will not submit
16 such a plan;

17 (III) twenty-four months after the date of ap-
18 proval of the closure or realignment of the installa-
19 tion; or

20 (IV) ninety days before the date of the closure
21 or realignment of the installation.

22 (ii) The activities referred to in clause (i) are activi-
23 ties relating to the closure or realignment of an installa-
24 tion to be closed or realigned under this title as follows:

1 (I) The transfer from the installation of items
2 of personal property at the installation identified in
3 accordance with subparagraph (A).

4 (II) The reduction in maintenance and repair of
5 facilities or equipment located at the installation
6 below the minimum levels required to support the
7 use of such facilities or equipment for nonmilitary
8 purposes.

9 (D) Except as provided in paragraph (4), the Sec-
10 retary may not transfer items of personal property located
11 at an installation to be closed or realigned under this title
12 to another installation, or dispose of such items, if such
13 items are identified in the redevelopment plan for the in-
14 stallation as items essential to the reuse or redevelopment
15 of the installation. In connection with the development of
16 the redevelopment plan for the installation, the Secretary
17 shall consult with the entity responsible for developing the
18 redevelopment plan to identify the items of personal prop-
19 erty located at the installation, if any, that the entity de-
20 sires to be retained at the installation for reuse or redevel-
21 opment of the installation.

22 (E) This paragraph shall not apply to any personal
23 property located at an installation to be closed or realigned
24 under this title if the property—

1 (i) is required for the operation of a unit, func-
2 tion, component, weapon, or weapons system at an-
3 other installation;

4 (ii) is uniquely military in character, and is
5 likely to have no civilian use (other than use for its
6 material content or as a source of commonly used
7 components);

8 (iii) is not required for the reutilization or rede-
9 velopment of the installation (as jointly determined
10 by the Secretary and the redevelopment authority);

11 (iv) is stored at the installation for purposes of
12 distribution (including spare parts or stock items);

13 or

14 (v)(I) meets known requirements of an author-
15 ized program of another Federal department or
16 agency for which expenditures for similar property
17 would be necessary, and (II) is the subject of a writ-
18 ten request by the head of the department or agen-
19 cy.

20 (F) Notwithstanding subparagraphs (C)(i) and (D),
21 the Secretary may carry out any activity referred to in
22 subparagraph (C)(ii) or (D) if the Secretary determines
23 that the carrying out of such activity is in the national
24 security interest of the United States.

1 (4)(A) The Secretary may transfer real property and
2 personal property located at a military installation to be
3 closed or realigned under this title to the redevelopment
4 authority with respect to the installation for purposes of
5 job generation on the installation.

6 (B) The transfer of property located at a military in-
7 stallation under subparagraph (A) may be for consider-
8 ation at or below the estimated fair market value or with-
9 out consideration. The determination of such consider-
10 ation may account for the economic conditions of the local
11 affected community and the estimated costs to redevelop
12 the property. The Secretary may accept, as consideration,
13 a share of the revenues that the redevelopment authority
14 receives from third-party buyers or lessees from sales and
15 long-term leases of the conveyed property, consideration
16 in kind (including goods and services), real property and
17 improvements, or such other consideration as the Sec-
18 retary considers appropriate. The transfer of property lo-
19 cated at a military installation under subparagraph (A)
20 may be made for consideration below the estimated fair
21 market value or without consideration only if the redevelop-
22 opment authority with respect to the installation—

23 (i) agrees that the proceeds from any sale or
24 lease of the property (or any portion thereof) re-
25 ceived by the redevelopment authority during at

1 least the first seven years after the date of the initial
2 transfer of property under subparagraph (A) shall
3 be used to support the economic redevelopment of,
4 or related to, the installation; and

5 (ii) executes the agreement for transfer of the
6 property and accepts control of the property within
7 a reasonable time after the date of the property dis-
8 posal record of decision or finding of no significant
9 impact under the National Environmental Policy Act
10 of 1969 (42 U.S.C. 4321 et seq.).

11 (C) For purposes of subparagraph (B)(i), the use of
12 proceeds from a sale or lease described in such subpara-
13 graph to pay for, or offset the costs of, public investment
14 on or related to the installation for any of the following
15 purposes shall be considered a use to support the economic
16 redevelopment of, or related to, the installation:

17 (i) Road construction.

18 (ii) Transportation management facilities.

19 (iii) Storm and sanitary sewer construction.

20 (iv) Police and fire protection facilities and
21 other public facilities.

22 (v) Utility construction.

23 (vi) Building rehabilitation.

24 (vii) Historic property preservation.

1 (viii) Pollution prevention equipment or facili-
2 ties.

3 (ix) Demolition.

4 (x) Disposal of hazardous materials generated
5 by demolition.

6 (xi) Landscaping, grading, and other site or
7 public improvements.

8 (xii) Planning for or the marketing of the devel-
9 opment and reuse of the installation.

10 (D) The Secretary may recoup from a redevelopment
11 authority such portion of the proceeds from a sale or lease
12 described in subparagraph (B) as the Secretary deter-
13 mines appropriate if the redevelopment authority does not
14 use the proceeds to support economic redevelopment of,
15 or related to, the installation for the period specified in
16 subparagraph (B).

17 (E)(i) The Secretary may transfer real property at
18 an installation approved for closure or realignment under
19 this title (including property at an installation approved
20 for realignment which will be retained by the Department
21 of Defense or another Federal agency after realignment)
22 to the redevelopment authority for the installation if the
23 redevelopment authority agrees to lease, directly upon
24 transfer, one or more portions of the property transferred
25 under this subparagraph to the Secretary or to the head

1 of another department or agency of the Federal Govern-
2 ment. Subparagraph (B) shall apply to a transfer under
3 this subparagraph.

4 (ii) A lease under clause (i) shall be for a term of
5 not to exceed 50 years, but may provide for options for
6 renewal or extension of the term by the department or
7 agency concerned.

8 (iii) A lease under clause (i) may not require rental
9 payments by the United States.

10 (iv) A lease under clause (i) shall include a provision
11 specifying that if the department or agency concerned
12 ceases requiring the use of the leased property before the
13 expiration of the term of the lease, the remainder of the
14 lease term may be satisfied by the same or another depart-
15 ment or agency of the Federal Government using the prop-
16 erty for a use similar to the use under the lease. Exercise
17 of the authority provided by this clause shall be made in
18 consultation with the redevelopment authority concerned.

19 (v) Notwithstanding clause (iii), if a lease under
20 clause (i) involves a substantial portion of the installation,
21 the department or agency concerned may obtain facility
22 services for the leased property and common area mainte-
23 nance from the redevelopment authority or the redevelop-
24 ment authority's assignee as a provision of the lease. The
25 facility services and common area maintenance shall be

1 provided at a rate no higher than the rate charged to non-
2 Federal tenants of the transferred property. Facility serv-
3 ices and common area maintenance covered by the lease
4 shall not include—

5 (I) municipal services that a State or local gov-
6 ernment is required by law to provide to all land-
7 owners in its jurisdiction without direct charge; or

8 (II) firefighting or security-guard functions.

9 (F) The transfer of personal property under subpara-
10 graph (A) shall not be subject to the provisions of sub-
11 chapters II and III of chapter 5 of title 40, United States
12 Code, if the Secretary determines that the transfer of such
13 property is necessary for the effective implementation of
14 a redevelopment plan with respect to the installation at
15 which such property is located.

16 (G) The provisions of section 120(h) of the Com-
17 prehensive Environmental Response, Compensation, and
18 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to
19 any transfer of real property under this paragraph.

20 (H) The Secretary may require any additional terms
21 and conditions in connection with a transfer under this
22 paragraph as such Secretary considers appropriate to pro-
23 tect the interests of the United States.

24 (5)(A) Except as provided in subparagraphs (B) and
25 (C), the Secretary shall take such actions as the Secretary

1 determines necessary to ensure that final determinations
2 under paragraph (1) regarding whether another depart-
3 ment or agency of the Federal Government has identified
4 a use for any portion of a military installation to be closed
5 or realigned under this title, or will accept transfer of any
6 portion of such installation, are made not later than 6
7 months after the date of approval of closure or realign-
8 ment of that installation.

9 (B) The Secretary may, in consultation with the rede-
10 velopment authority with respect to an installation, post-
11 pone making the final determinations referred to in sub-
12 paragraph (A) with respect to the installation for such pe-
13 riod as the Secretary determines appropriate if the Sec-
14 retary determines that such postponement is in the best
15 interests of the communities affected by the closure or re-
16 alignment of the installation.

17 (C)(i) Before acquiring non-Federal real property as
18 the location for a new or replacement Federal facility of
19 any type, the head of the Federal agency acquiring the
20 property shall consult with the Secretary regarding the
21 feasibility and cost advantages of using Federal property
22 or facilities at a military installation closed or realigned
23 or to be closed or realigned under this title as the location
24 for the new or replacement facility. In considering the
25 availability and suitability of a specific military installa-

1 tion, the Secretary and the head of the Federal agency
2 involved shall obtain the concurrence of the redevelopment
3 authority with respect to the installation and comply with
4 the redevelopment plan for the installation.

5 (ii) Not later than 30 days after acquiring non-Fed-
6 eral real property as the location for a new or replacement
7 Federal facility, the head of the Federal agency acquiring
8 the property shall submit to Congress a report containing
9 the results of the consultation under clause (i) and the
10 reasons why military installations referred to in such
11 clause that are located within the area to be served by
12 the new or replacement Federal facility or within a 200-
13 mile radius of the new or replacement facility, whichever
14 area is greater, were considered to be unsuitable or un-
15 available for the site of the new or replacement facility.

16 (6)(A) The disposal of buildings and property located
17 at installations approved for closure or realignment under
18 this title shall be carried out in accordance with this para-
19 graph.

20 (B)(i) Not later than the date on which the Secretary
21 of Defense completes the final determinations referred to
22 in paragraph (5) relating to the use or transferability of
23 any portion of an installation covered by this paragraph,
24 the Secretary shall—

1 (I) identify the buildings and property at the
2 installation for which the Department of Defense
3 has a use, for which another department or agency
4 of the Federal Government has identified a use, or
5 of which another department or agency will accept
6 a transfer;

7 (II) take such actions as are necessary to iden-
8 tify any building or property at the installation not
9 identified under subclause (I) that is excess property
10 or surplus property;

11 (III) submit to the Secretary of Housing and
12 Urban Development and to the redevelopment au-
13 thority for the installation (or the chief executive of-
14 ficer of the State in which the installation is located
15 if there is no redevelopment authority for the instal-
16 lation at the completion of the determination de-
17 scribed in the stem of this sentence) information on
18 any building or property that is identified under sub-
19 clause (II); and

20 (IV) publish in the Federal Register and in a
21 newspaper of general circulation in the communities
22 in the vicinity of the installation information on the
23 buildings and property identified under subclause
24 (II).

1 (ii) Upon the recognition of a redevelopment author-
2 ity for an installation covered by this paragraph, the Sec-
3 retary of Defense shall publish in the Federal Register and
4 in a newspaper of general circulation in the communities
5 in the vicinity of the installation information on the rede-
6 velopment authority.

7 (C)(i) State and local governments, representatives of
8 the homeless, and other interested parties located in the
9 communities in the vicinity of an installation covered by
10 this paragraph shall submit to the redevelopment author-
11 ity for the installation a notice of the interest, if any, of
12 such governments, representatives, and parties in the
13 buildings or property, or any portion thereof, at the instal-
14 lation that are identified under subparagraph (B)(i)(II).
15 A notice of interest under this clause shall describe the
16 need of the government, representative, or party concerned
17 for the buildings or property covered by the notice.

18 (ii) The redevelopment authority for an installation
19 shall assist the governments, representatives, and parties
20 referred to in clause (i) in evaluating buildings and prop-
21 erty at the installation for purposes of this subparagraph.

22 (iii) In providing assistance under clause (ii), a rede-
23 velopment authority shall—

1 (I) consult with representatives of the homeless
2 in the communities in the vicinity of the installation
3 concerned; and

4 (II) undertake outreach efforts to provide infor-
5 mation on the buildings and property to representa-
6 tives of the homeless, and to other persons or enti-
7 ties interested in assisting the homeless, in such
8 communities.

9 (iv) It is the sense of Congress that redevelopment
10 authorities should begin to conduct outreach efforts under
11 clause (iii)(II) with respect to an installation as soon as
12 is practicable after the date of approval of closure or re-
13 alignment of the installation.

14 (D)(i) State and local governments, representatives
15 of the homeless, and other interested parties shall submit
16 a notice of interest to a redevelopment authority under
17 subparagraph (C) not later than the date specified for
18 such notice by the redevelopment authority.

19 (ii) The date specified under clause (i) shall be—

20 (I) in the case of an installation for which a re-
21 development authority has been recognized as of the
22 date of the completion of the determinations referred
23 to in paragraph (5), not earlier than 3 months and
24 not later than 6 months after the date of publication
25 of such determination in a newspaper of general cir-

1 culation in the communities in the vicinity of the in-
2 stallation under subparagraph (B)(i)(IV); and

3 (II) in the case of an installation for which a
4 redevelopment authority is not recognized as of such
5 date, not earlier than 3 months and not later than
6 6 months after the date of the recognition of a rede-
7 velopment authority for the installation.

8 (iii) Upon specifying a date for an installation under
9 this subparagraph, the redevelopment authority for the in-
10 stallation shall—

11 (I) publish the date specified in a newspaper of
12 general circulation in the communities in the vicinity
13 of the installation concerned; and

14 (II) notify the Secretary of Defense of the date.

15 (E)(i) In submitting to a redevelopment authority
16 under subparagraph (C) a notice of interest in the use
17 of buildings or property at an installation to assist the
18 homeless, a representative of the homeless shall submit the
19 following:

20 (I) A description of the homeless assistance
21 program that the representative proposes to carry
22 out at the installation.

23 (II) An assessment of the need for the program.

24 (III) A description of the extent to which the
25 program is or will be coordinated with other home-

1 less assistance programs in the communities in the
2 vicinity of the installation.

3 (IV) A description of the buildings and property
4 at the installation that are necessary in order to
5 carry out the program.

6 (V) A description of the financial plan, the or-
7 ganization, and the organizational capacity of the
8 representative to carry out the program.

9 (VI) An assessment of the time required in
10 order to commence carrying out the program.

11 (ii) A redevelopment authority may not release to the
12 public any information submitted to the redevelopment au-
13 thority under clause (i)(V) without the consent of the rep-
14 resentative of the homeless concerned unless such release
15 is authorized under Federal law and under the law of the
16 State and communities in which the installation concerned
17 is located.

18 (F)(i) The redevelopment authority for each installa-
19 tion covered by this paragraph shall prepare a redevelop-
20 ment plan for the installation. The redevelopment author-
21 ity shall, in preparing the plan, consider the interests in
22 the use to assist the homeless of the buildings and prop-
23 erty at the installation that are expressed in the notices
24 submitted to the redevelopment authority under subpara-
25 graph (C).

1 (ii)(I) In connection with a redevelopment plan for
2 an installation, a redevelopment authority and representa-
3 tives of the homeless shall prepare legally binding agree-
4 ments that provide for the use to assist the homeless of
5 buildings and property, resources, and assistance on or off
6 the installation. The implementation of such agreements
7 shall be contingent upon the decision regarding the dis-
8 posal of the buildings and property covered by the agree-
9 ments by the Secretary of Defense under subparagraph
10 (K) or (L).

11 (II) Agreements under this clause shall provide for
12 the reversion to the redevelopment authority concerned, or
13 to such other entity or entities as the agreements shall
14 provide, of buildings and property that are made available
15 under this paragraph for use to assist the homeless in the
16 event that such buildings and property cease being used
17 for that purpose.

18 (iii) A redevelopment authority shall provide oppor-
19 tunity for public comment on a redevelopment plan before
20 submission of the plan to the Secretary of Defense and
21 the Secretary of Housing and Urban Development under
22 subparagraph (G).

23 (iv) A redevelopment authority shall complete prepa-
24 ration of a redevelopment plan for an installation and sub-
25 mit the plan under subparagraph (G) not later than 9

1 months after the date specified by the redevelopment au-
2 thority for the installation under subparagraph (D).

3 (G)(i) Upon completion of a redevelopment plan
4 under subparagraph (F), a redevelopment authority shall
5 submit an application containing the plan to the Secretary
6 of Defense and to the Secretary of Housing and Urban
7 Development.

8 (ii) A redevelopment authority shall include in an ap-
9 plication under clause (i) the following:

10 (I) A copy of the redevelopment plan, including
11 a summary of any public comments on the plan re-
12 ceived by the redevelopment authority under sub-
13 paragraph (F)(iii).

14 (II) A copy of each notice of interest of use of
15 buildings and property to assist the homeless that
16 was submitted to the redevelopment authority under
17 subparagraph (C), together with a description of the
18 manner, if any, in which the plan addresses the in-
19 terest expressed in each such notice and, if the plan
20 does not address such an interest, an explanation
21 why the plan does not address the interest.

22 (III) A summary of the outreach undertaken by
23 the redevelopment authority under subparagraph
24 (C)(iii)(II) in preparing the plan.

1 (IV) A statement identifying the representatives
2 of the homeless and the homeless assistance plan-
3 ning boards, if any, with which the redevelopment
4 authority consulted in preparing the plan, and the
5 results of such consultations.

6 (V) An assessment of the manner in which the
7 redevelopment plan balances the expressed needs of
8 the homeless and the need of the communities in the
9 vicinity of the installation for economic redevelop-
10 ment and other development.

11 (VI) Copies of the agreements that the redevelop-
12 ment authority proposes to enter into under sub-
13 paragraph (F)(ii).

14 (H)(i) Not later than 60 days after receiving a rede-
15 velopment plan under subparagraph (G), the Secretary of
16 Housing and Urban Development shall complete a review
17 of the plan. The purpose of the review is to determine
18 whether the plan, with respect to the expressed interest
19 and requests of representatives of the homeless—

20 (I) takes into consideration the size and nature
21 of the homeless population in the communities in the
22 vicinity of the installation, the availability of existing
23 services in such communities to meet the needs of
24 the homeless in such communities, and the suit-
25 ability of the buildings and property covered by the

1 plan for the use and needs of the homeless in such
2 communities;

3 (II) takes into consideration any economic im-
4 pact of the homeless assistance under the plan on
5 the communities in the vicinity of the installation;

6 (III) balances in an appropriate manner the
7 needs of the communities in the vicinity of the in-
8 stallation for economic redevelopment and other de-
9 velopment with the needs of the homeless in such
10 communities;

11 (IV) was developed in consultation with rep-
12 resentatives of the homeless and the homeless assist-
13 ance planning boards, if any, in the communities in
14 the vicinity of the installation; and

15 (V) specifies the manner in which buildings and
16 property, resources, and assistance on or off the in-
17 stallation will be made available for homeless assist-
18 ance purposes.

19 (ii) It is the sense of Congress that the Secretary of
20 Housing and Urban Development shall, in completing the
21 review of a plan under this subparagraph, take into con-
22 sideration and be receptive to the predominant views on
23 the plan of the communities in the vicinity of the installa-
24 tion covered by the plan.

1 (iii) The Secretary of Housing and Urban Develop-
2 ment may engage in negotiations and consultations with
3 a redevelopment authority before or during the course of
4 a review under clause (i) with a view toward resolving any
5 preliminary determination of the Secretary that a redevel-
6 opment plan does not meet a requirement set forth in that
7 clause. The redevelopment authority may modify the rede-
8 velopment plan as a result of such negotiations and con-
9 sultations.

10 (iv) Upon completion of a review of a redevelopment
11 plan under clause (i), the Secretary of Housing and Urban
12 Development shall notify the Secretary of Defense and the
13 redevelopment authority concerned of the determination of
14 the Secretary of Housing and Urban Development under
15 that clause.

16 (v) If the Secretary of Housing and Urban Develop-
17 ment determines as a result of such a review that a rede-
18 velopment plan does not meet the requirements set forth
19 in clause (i), a notice under clause (iv) shall include—

20 (I) an explanation of that determination; and

21 (II) a statement of the actions that the redevel-
22 opment authority must undertake in order to ad-
23 dress that determination.

24 (I)(i) Upon receipt of a notice under subparagraph
25 (H)(iv) of a determination that a redevelopment plan does

1 not meet a requirement set forth in subparagraph (H)(i),
2 a redevelopment authority shall have the opportunity to—

3 (I) revise the plan in order to address the deter-
4 mination; and

5 (II) submit the revised plan to the Secretary of
6 Defense and the Secretary of Housing and Urban
7 Development.

8 (ii) A redevelopment authority shall submit a revised
9 plan under this subparagraph to such Secretaries, if at
10 all, not later than 90 days after the date on which the
11 redevelopment authority receives the notice referred to in
12 clause (i).

13 (J)(i) Not later than 30 days after receiving a revised
14 redevelopment plan under subparagraph (I), the Secretary
15 of Housing and Urban Development shall review the re-
16 vised plan and determine if the plan meets the require-
17 ments set forth in subparagraph (H)(i).

18 (ii) The Secretary of Housing and Urban Develop-
19 ment shall notify the Secretary of Defense and the redevel-
20 opment authority concerned of the determination of the
21 Secretary of Housing and Urban Development under this
22 subparagraph.

23 (K)(i) Upon receipt of a notice under subparagraph
24 (H)(iv) or (J)(ii) of the determination of the Secretary of
25 Housing and Urban Development that a redevelopment

1 plan for an installation meets the requirements set forth
2 in subparagraph (H)(i), the Secretary of Defense shall dis-
3 pose of the buildings and property at the installation.

4 (ii) For purposes of carrying out an environmental
5 assessment of the closure or realignment of an installa-
6 tion, the Secretary of Defense shall treat the redevelop-
7 ment plan for the installation (including the aspects of the
8 plan providing for disposal to State or local governments,
9 representatives of the homeless, and other interested par-
10 ties) as part of the proposed Federal action for the instal-
11 lation.

12 (iii) The Secretary of Defense shall dispose of build-
13 ings and property under clause (i) in accordance with the
14 record of decision or other decision document prepared by
15 the Secretary in accordance with the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
17 preparing the record of decision or other decision docu-
18 ment, the Secretary shall give substantial deference to the
19 redevelopment plan concerned.

20 (iv) The disposal under clause (i) of buildings and
21 property to assist the homeless shall be without consider-
22 ation.

23 (v) In the case of a request for a conveyance under
24 clause (i) of buildings and property for public benefit
25 under section 550 of title 40, United States Code, or sec-

1 tions 47151 through 47153 of title 49, United States
2 Code, the sponsoring Federal agency shall use the eligi-
3 bility criteria set forth in such section or subchapter II
4 of chapter 471 of title 49, United States Code (as the case
5 may be) to determine the eligibility of the applicant and
6 use proposed in the request for the public benefit convey-
7 ance. The determination of such eligibility should be made
8 before submission of the redevelopment plan concerned
9 under subparagraph (G).

10 (L)(i) If the Secretary of Housing and Urban Devel-
11 opment determines under subparagraph (J) that a revised
12 redevelopment plan for an installation does not meet the
13 requirements set forth in subparagraph (H)(i), or if no
14 revised plan is so submitted, that Secretary shall—

15 (I) review the original redevelopment plan sub-
16 mitted to that Secretary under subparagraph (G),
17 including the notice or notices of representatives of
18 the homeless referred to in clause (ii)(II) of that
19 subparagraph;

20 (II) consult with the representatives referred to
21 in subclause (I), if any, for purposes of evaluating
22 the continuing interest of such representatives in the
23 use of buildings or property at the installation to as-
24 sist the homeless;

1 (III) request that each such representative sub-
2 mit to that Secretary the items described in clause
3 (ii); and

4 (IV) based on the actions of that Secretary
5 under subclauses (I) and (II), and on any informa-
6 tion obtained by that Secretary as a result of such
7 actions, indicate to the Secretary of Defense the
8 buildings and property at the installation that meet
9 the requirements set forth in subparagraph (H)(i).

10 (ii) The Secretary of Housing and Urban Develop-
11 ment may request under clause (i)(III) that a representa-
12 tive of the homeless submit to that Secretary the following:

13 (I) A description of the program of such rep-
14 resentative to assist the homeless.

15 (II) A description of the manner in which the
16 buildings and property that the representative pro-
17 poses to use for such purpose will assist the home-
18 less.

19 (III) Such information as that Secretary re-
20 quires in order to determine the financial capacity of
21 the representative to carry out the program and to
22 ensure that the program will be carried out in com-
23 pliance with Federal environmental law and Federal
24 law against discrimination.

1 (IV) A certification that police services, fire
2 protection services, and water and sewer services
3 available in the communities in the vicinity of the in-
4 stallation concerned are adequate for the program.

5 (iii) Not later than 90 days after the date of the re-
6 ceipt of a revised plan for an installation under subpara-
7 graph (J), the Secretary of Housing and Urban Develop-
8 ment shall—

9 (I) notify the Secretary of Defense and the re-
10 development authority concerned of the buildings
11 and property at an installation under clause (i)(IV)
12 that the Secretary of Housing and Urban Develop-
13 ment determines are suitable for use to assist the
14 homeless; and

15 (II) notify the Secretary of Defense of the ex-
16 tent to which the revised plan meets the criteria set
17 forth in subparagraph (H)(i).

18 (iv)(I) Upon notice from the Secretary of Housing
19 and Urban Development with respect to an installation
20 under clause (iii), the Secretary of Defense shall dispose
21 of buildings and property at the installation in consulta-
22 tion with the Secretary of Housing and Urban Develop-
23 ment and the redevelopment authority concerned.

24 (II) For purposes of carrying out an environmental
25 assessment of the closure or realignment of an installa-

1 tion, the Secretary of Defense shall treat the redevelop-
2 ment plan submitted by the redevelopment authority for
3 the installation (including the aspects of the plan pro-
4 viding for disposal to State or local governments, rep-
5 resentatives of the homeless, and other interested parties)
6 as part of the proposed Federal action for the installation.
7 The Secretary of Defense shall incorporate the notification
8 of the Secretary of Housing and Urban Development
9 under clause (iii)(I) as part of the proposed Federal action
10 for the installation only to the extent, if any, that the Sec-
11 retary of Defense considers such incorporation to be ap-
12 propriate and consistent with the best and highest use of
13 the installation as a whole, taking into consideration the
14 redevelopment plan submitted by the redevelopment au-
15 thority.

16 (III) The Secretary of Defense shall dispose of build-
17 ings and property under subclause (I) in accordance with
18 the record of decision or other decision document prepared
19 by the Secretary in accordance with the National Environ-
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.). In
21 preparing the record of decision or other decision docu-
22 ment, the Secretary shall give deference to the redevelop-
23 ment plan submitted by the redevelopment authority for
24 the installation.

1 (IV) The disposal under subclause (I) of buildings
2 and property to assist the homeless shall be without con-
3 sideration.

4 (V) In the case of a request for a conveyance under
5 subclause (I) of buildings and property for public benefit
6 under section 550 of title 40, United States Code, or sec-
7 tions 47151 through 47153 of title 49, United States
8 Code, the sponsoring Federal agency shall use the eligi-
9 bility criteria set forth in such section or subchapter II
10 of chapter 471 of title 49, United States Code (as the case
11 may be) to determine the eligibility of the applicant and
12 use proposed in the request for the public benefit convey-
13 ance. The determination of such eligibility should be made
14 before submission of the redevelopment plan concerned
15 under subparagraph (G).

16 (M)(i) In the event of the disposal of buildings and
17 property of an installation pursuant to subparagraph (K)
18 or (L), the redevelopment authority for the installation
19 shall be responsible for the implementation of and compli-
20 ance with agreements under the redevelopment plan de-
21 scribed in that subparagraph for the installation.

22 (ii) If a building or property reverts to a redevelop-
23 ment authority under such an agreement, the redevelop-
24 ment authority shall take appropriate actions to secure,
25 to the maximum extent practicable, the utilization of the

1 building or property by other homeless representatives to
2 assist the homeless. A redevelopment authority may not
3 be required to utilize the building or property to assist
4 the homeless.

5 (N) The Secretary of Defense may postpone or ex-
6 tend any deadline provided for under this paragraph in
7 the case of an installation covered by this paragraph for
8 such period as the Secretary considers appropriate if the
9 Secretary determines that such postponement is in the in-
10 terests of the communities affected by the closure or re-
11 alignment of the installation. The Secretary shall make
12 such determinations in consultation with the redevelop-
13 ment authority concerned and, in the case of deadlines
14 provided for under this paragraph with respect to the Sec-
15 retary of Housing and Urban Development, in consulta-
16 tion with the Secretary of Housing and Urban Develop-
17 ment.

18 (O) For purposes of this paragraph, the term “com-
19 munities in the vicinity of the installation”, in the case
20 of an installation, means the communities that constitute
21 the political jurisdictions (other than the State in which
22 the installation is located) that comprise the redevelop-
23 ment authority for the installation.

24 (P) For purposes of this paragraph, the term “other
25 interested parties”, in the case of an installation, includes

1 any parties eligible for the conveyance of property of the
2 installation under section 550 of title 40, United States
3 Code, or sections 47151 through 47153 of title 49, United
4 States Code, whether or not the parties assist the home-
5 less.

6 (7)(A) Subject to subparagraph (C), the Secretary
7 may enter into agreements (including contracts, coopera-
8 tive agreements, or other arrangements for reimburse-
9 ment) with local governments for the provision of police
10 or security services, fire protection services, airfield oper-
11 ation services, or other community services by such gov-
12 ernments at military installations to be closed under this
13 title, or at facilities not yet transferred or otherwise dis-
14 posed of in the case of installations closed under this title,
15 if the Secretary determines that the provision of such serv-
16 ices under such agreements is in the best interests of the
17 Department of Defense.

18 (B) The Secretary may exercise the authority pro-
19 vided under this paragraph without regard to the provi-
20 sions of chapter 146 of title 10, United States Code.

21 (C) The Secretary may not exercise the authority
22 under subparagraph (A) with respect to an installation
23 earlier than 180 days before the date on which the instal-
24 lation is to be closed.

1 (D) The Secretary shall include in a contract for serv-
2 ices entered into with a local government under this para-
3 graph a clause that requires the use of professionals to
4 furnish the services to the extent that professionals are
5 available in the area under the jurisdiction of such govern-
6 ment.

7 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL
8 POLICY ACT OF 1969.—(1) The provisions of the National
9 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
10 seq.) shall not apply to the actions of the President, the
11 Commission, and, except as provided in paragraph (2), the
12 Department of Defense in carrying out this title.

13 (2)(A) The provisions of the National Environmental
14 Policy Act of 1969 shall apply to actions of the Depart-
15 ment of Defense under this title (i) during the process of
16 property disposal, and (ii) during the process of relocating
17 functions from a military installation being closed or re-
18 aligned to another military installation after the receiving
19 installation has been selected but before the functions are
20 relocated.

21 (B) In applying the provisions of the National Envi-
22 ronmental Policy Act of 1969 to the processes referred
23 to in subparagraph (A), the Secretary of Defense and the
24 Secretary of the military departments concerned shall not
25 have to consider—

1 (i) the need for closing or realigning the mili-
2 tary installation which has been recommended for
3 closure or realignment by the Commission;

4 (ii) the need for transferring functions to any
5 military installation which has been selected as the
6 receiving installation; or

7 (iii) military installations alternative to those
8 recommended or selected.

9 (3) A civil action for judicial review, with respect to
10 any requirement of the National Environmental Policy Act
11 of 1969 to the extent such Act is applicable under para-
12 graph (2), of any act or failure to act by the Department
13 of Defense during the closing, realigning, or relocating of
14 functions referred to in clauses (i) and (ii) of paragraph
15 (2)(A), may not be brought more than 60 days after the
16 date of such act or failure to act.

17 (d) WAIVER.—The Secretary of Defense may close or
18 realign military installations under this title without re-
19 gard to—

20 (1) any provision of law restricting the use of
21 funds for closing or realigning military installations
22 included in any appropriations or authorization Act;
23 and

24 (2) sections 2662 and 2687 of title 10, United
25 States Code.

1 (e) TRANSFER AUTHORITY IN CONNECTION WITH
2 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

3 (1)(A) Subject to paragraph (2) of this subsection and sec-
4 tion 120(h) of the Comprehensive Environmental Re-
5 sponse, Compensation, and Liability Act of 1980 (42
6 U.S.C. 9620(h)), the Secretary may enter into an agree-
7 ment to transfer by deed real property or facilities referred
8 to in subparagraph (B) with any person who agrees to
9 perform all environmental restoration, waste management,
10 and environmental compliance activities that are required
11 for the property or facilities under Federal and State laws,
12 administrative decisions, agreements (including schedules
13 and milestones), and concurrences.

14 (B) The real property and facilities referred to in
15 subparagraph (A) are the real property and facilities lo-
16 cated at an installation closed or to be closed, or realigned
17 or to be realigned, under this title that are available exclu-
18 sively for the use, or expression of an interest in a use,
19 of a redevelopment authority under subsection (b)(6)(F)
20 during the period provided for that use, or expression of
21 interest in use, under that subsection. The real property
22 and facilities referred to in subparagraph (A) are also the
23 real property and facilities located at an installation ap-
24 proved for closure or realignment under this title after

1 2001 that are available for purposes other than to assist
2 the homeless.

3 (C) The Secretary may require any additional terms
4 and conditions in connection with an agreement author-
5 ized by subparagraph (A) as the Secretary considers ap-
6 propriate to protect the interests of the United States.

7 (2) A transfer of real property or facilities may be
8 made under paragraph (1) only if the Secretary certifies
9 to Congress that—

10 (A) the costs of all environmental restoration,
11 waste management, and environmental compliance
12 activities otherwise to be paid by the Secretary with
13 respect to the property or facilities are equal to or
14 greater than the fair market value of the property
15 or facilities to be transferred, as determined by the
16 Secretary; or

17 (B) if such costs are lower than the fair market
18 value of the property or facilities, the recipient of
19 the property or facilities agrees to pay the difference
20 between the fair market value and such costs.

21 (3) In the case of property or facilities covered by
22 a certification under paragraph (2)(A), the Secretary may
23 pay the recipient of such property or facilities an amount
24 equal to the lesser of—

1 (A) the amount by which the costs incurred by
2 the recipient of such property or facilities for all en-
3 vironmental restoration, waste, management, and
4 environmental compliance activities with respect to
5 such property or facilities exceed the fair market
6 value of such property or facilities as specified in
7 such certification; or

8 (B) the amount by which the costs (as deter-
9 mined by the Secretary) that would otherwise have
10 been incurred by the Secretary for such restoration,
11 management, and activities with respect to such
12 property or facilities exceed the fair market value of
13 such property or facilities as so specified.

14 (4) As part of an agreement under paragraph (1),
15 the Secretary shall disclose to the person to whom the
16 property or facilities will be transferred any information
17 of the Secretary regarding the environmental restoration,
18 waste management, and environmental compliance activi-
19 ties described in paragraph (1) that relate to the property
20 or facilities. The Secretary shall provide such information
21 before entering into the agreement.

22 (5) Nothing in this subsection shall be construed to
23 modify, alter, or amend the Comprehensive Environmental
24 Response, Compensation, and Liability Act of 1980 (42

1 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42
2 U.S.C. 6901 et seq.).

3 (6) Section 330 of the National Defense Authoriza-
4 tion Act for Fiscal Year 1993 (Public Law 102–484; 10
5 U.S.C. 2687 note) shall not apply to any transfer under
6 this subsection to persons or entities described in sub-
7 section (a)(2) of such section 330, except in the case of
8 releases or threatened releases not disclosed pursuant to
9 paragraph (4).

10 **SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE AC-**
11 **COUNT 2012.**

12 (a) IN GENERAL.—(1) If the Secretary makes the
13 certifications required under section 2903(b), there shall
14 be established on the books of the Treasury an account
15 to be known as the “Department of Defense Base Closure
16 Account 2012” (in this section referred to as the “Ac-
17 count”). The Account shall be administered by the Sec-
18 retary as a single account.

19 (2) There shall be deposited into the Account—

20 (A) funds authorized for and appropriated to
21 the Account;

22 (B) any funds that the Secretary may, subject
23 to approval in an appropriation Act, transfer to the
24 Account from funds appropriated to the Department
25 of Defense for any purpose, except that such funds

1 may be transferred only after the date on which the
2 Secretary transmits written notice of, and justifica-
3 tion for, such transfer to the congressional defense
4 committees; and

5 (C) except as provided in subsection (d), pro-
6 ceeds received from the lease, transfer, or disposal of
7 any property at a military installation that is closed
8 or realigned under this title.

9 (3) The Account shall be closed at the time and in
10 the manner provided for appropriation accounts under sec-
11 tion 1555 of title 31, United States Code. Unobligated
12 funds which remain in the Account upon closure shall be
13 held by the Secretary of the Treasury until transferred
14 by law after the congressional defense committees receive
15 the final report transmitted under subsection (c)(2).

16 (b) USE OF FUNDS.—(1) The Secretary may use the
17 funds in the Account only for the purposes described in
18 section 2905 with respect to military installations ap-
19 proved for closure or realignment under this title.

20 (2) When a decision is made to use funds in the Ac-
21 count to carry out a construction project under section
22 2905(a) and the cost of the project will exceed the max-
23 imum amount authorized by law for a minor military con-
24 struction project, the Secretary shall notify in writing the
25 congressional defense committees of the nature of, and

1 justification for, the project and the amount of expendi-
2 tures for such project. Any such construction project may
3 be carried out without regard to section 2802(a) of title
4 10, United States Code.

5 (c) REPORTS.—(1)(A) No later than 60 days after
6 the end of each fiscal year in which the Secretary carries
7 out activities under this title using amounts in the Ac-
8 count, the Secretary shall transmit a report to the con-
9 gressional defense committees of—

10 (i) the amount and nature of the deposits into,
11 and the expenditures from, the Account during such
12 fiscal year;

13 (ii) the amount and nature of other expendi-
14 tures made pursuant to section 2905(a) during such
15 fiscal year;

16 (iii) the amount and nature of anticipated de-
17 posits to be made into, and the anticipated expendi-
18 tures to be made from, the Account during the first
19 fiscal year commencing after the submission of the
20 report; and

21 (iv) the amount and nature of anticipated ex-
22 penditures to be made pursuant to section 2905(a)
23 during the first fiscal year commencing after the
24 submission of the report.

1 (B) The report for a fiscal year shall include the fol-
2 lowing:

3 (i) The obligations and expenditures from the
4 Account during the fiscal year, identified by sub-
5 account and installation, for each military depart-
6 ment and Defense Agency.

7 (ii) The fiscal year in which appropriations for
8 such expenditures were made and the fiscal year in
9 which funds were obligated for such expenditures.

10 (iii) Each military construction project for
11 which such obligations and expenditures were made,
12 identified by installation and project title.

13 (iv) A description and explanation of the extent,
14 if any, to which expenditures for military construc-
15 tion projects for the fiscal year differed from pro-
16 posals for projects and funding levels that were in-
17 cluded in the justification transmitted to Congress
18 under section 2907(1), or otherwise, for the funding
19 proposals for the Account for such fiscal year, in-
20 cluding an explanation of—

21 (I) any failure to carry out military con-
22 struction projects that were so proposed; and

23 (II) any expenditures for military construc-
24 tion projects that were not so proposed.

1 (v) An estimate of the net revenues to be re-
2 ceived from property disposals to be completed dur-
3 ing the first fiscal year commencing after the sub-
4 mission of the report at military installations ap-
5 proved for closure or realignment under this title.

6 (2) No later than 60 days after the closure of the
7 Account under subsection (a)(3), the Secretary shall
8 transmit to the congressional defense committees a report
9 containing an accounting of—

10 (A) all the funds deposited into and expended
11 from the Account or otherwise expended under this
12 title with respect to such installations; and

13 (B) any amount remaining in the Account.

14 (d) DISPOSAL OR TRANSFER OF COMMISSARY
15 STORES AND PROPERTY PURCHASED WITH NON-
16 APPROPRIATED FUNDS.—(1) If any real property or facil-
17 ity acquired, constructed, or improved (in whole or in part)
18 with commissary store funds or nonappropriated funds is
19 transferred or disposed of in connection with the closure
20 or realignment of a military installation under this title,
21 a portion of the proceeds of the transfer or other disposal
22 of property on that installation shall be deposited in the
23 reserve account established under section 204(b)(7)(C) of
24 the Defense Authorization Amendments and Base Closure
25 and Realignment Act (10 U.S.C. 2687 note).

1 (2) The amount so deposited shall be equal to the
2 depreciated value of the investment made with such funds
3 in the acquisition, construction, or improvement of that
4 particular real property or facility. The depreciated value
5 of the investment shall be computed in accordance with
6 regulations prescribed by the Secretary.

7 (3) The Secretary may use amounts in the reserve
8 account, without further appropriation, for the purpose of
9 acquiring, constructing, and improving—

10 (A) commissary stores; and

11 (B) real property and facilities for non-
12 appropriated fund instrumentalities.

13 (4) As used in this subsection:

14 (A) The term “commissary store funds” means
15 funds received from the adjustment of, or surcharge
16 on, selling prices at commissary stores fixed under
17 section 2685 of title 10, United States Code.

18 (B) The term “nonappropriated funds” means
19 funds received from a nonappropriated fund instru-
20 mentality.

21 (C) The term “nonappropriated fund instru-
22 mentality” means an instrumentality of the United
23 States under the jurisdiction of the Armed Forces
24 (including the Army and Air Force Exchange Serv-
25 ice, the Navy Resale and Services Support Office,

1 and the Marine Corps exchanges) which is conducted
2 for the comfort, pleasure, contentment, or physical
3 or mental improvement of members of the Armed
4 Forces.

5 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR
6 ENVIRONMENTAL RESTORATION PROJECTS.—Except for
7 funds deposited into the Account under subsection (a),
8 funds appropriated to the Department of Defense may not
9 be used for purposes described in section 2905(a)(1)(C).
10 The prohibition in this subsection shall expire upon the
11 closure of the Account under subsection (a)(3).

12 (f) AUTHORIZED COST AND SCOPE OF WORK VARI-
13 ATIONS.—(1) Subject to paragraphs (2) and (3), the cost
14 authorized for a military construction project or military
15 family housing project to be carried out using funds in
16 the Account may not be increased or reduced by more than
17 20 percent or \$2,000,000, whichever is less, of the amount
18 specified for the project in the conference report to accom-
19 pany the Military Construction Authorization Act author-
20 izing the project. The scope of work for such a project
21 may not be reduced by more than 25 percent from the
22 scope specified in the most recent budget documents for
23 the projects listed in such conference report.

24 (2) Paragraph (1) shall not apply to a military con-
25 struction project or military family housing project to be

1 carried out using funds in the Account with an estimated
2 cost of less than \$5,000,000, unless the project has not
3 been previously identified in any budget submission for the
4 Account and exceeds the applicable minor construction
5 threshold under section 2805 of title 10, United States
6 Code.

7 (3) The limitation on cost or scope variation in para-
8 graph (1) shall not apply if the Secretary of Defense
9 makes a determination that an increase or reduction in
10 cost or a reduction in the scope of work for a military
11 construction project or military family housing project to
12 be carried out using funds in the Account needs to be
13 made for the sole purpose of meeting unusual variations
14 in cost or scope. If the Secretary makes such a determina-
15 tion, the Secretary shall notify the congressional defense
16 committees of the variation in cost or scope not later than
17 21 days before the date on which the variation is made
18 in connection with the project or, if the notification is pro-
19 vided in an electronic medium pursuant to section 480 of
20 title 10, United States Code, not later than 14 days before
21 the date on which the variation is made. The Secretary
22 shall include the reasons for the variation in the notifica-
23 tion.

1 **SEC. 2907. REPORTS.**

2 (a) REPORTING REQUIREMENT.—As part of the
3 budget request for fiscal year 2015 and for each fiscal
4 year thereafter through fiscal year 2026 for the Depart-
5 ment of Defense, the Secretary shall transmit to the con-
6 gressional defense committees—

7 (1) a schedule of the closure actions to be car-
8 ried out under this title in the fiscal year for which
9 the request is made and an estimate of the total ex-
10 penditures required and cost savings to be achieved
11 by each such closure and of the time period in which
12 these savings are to be achieved in each case, to-
13 gether with the Secretary's assessment of the envi-
14 ronmental effects of such actions;

15 (2) a description of the military installations,
16 including those under construction and those
17 planned for construction, to which functions are to
18 be transferred as a result of such closures, together
19 with the Secretary's assessment of the environmental
20 effects of such transfers;

21 (3) a description of the closure actions already
22 carried out at each military installation since the
23 date of the installation's approval for closure under
24 this title and the current status of the closure of the
25 installation, including whether—

1 (A) a redevelopment authority has been
2 recognized by the Secretary for the installation;

3 (B) the screening of property at the instal-
4 lation for other Federal use has been com-
5 pleted; and

6 (C) a redevelopment plan has been agreed
7 to by the redevelopment authority for the in-
8 stallation;

9 (4) a description of redevelopment plans for
10 military installations approved for closure under this
11 title, the quantity of property remaining to be dis-
12 posed of at each installation as part of its closure,
13 and the quantity of property already disposed of at
14 each installation;

15 (5) a list of the Federal agencies that have re-
16 quested property during the screening process for
17 each military installation approved for closure under
18 this title, including the date of transfer or antici-
19 pated transfer of the property to such agencies, the
20 acreage involved in such transfers, and an expla-
21 nation for any delays in such transfers;

22 (6) a list of known environmental remediation
23 issues at each military installation approved for clo-
24 sure under this title, including the acreage affected
25 by these issues, an estimate of the cost to complete

1 such environmental remediation, and the plans (and
2 timelines) to address such environmental remedi-
3 ation; and

4 (7) an estimate of the date for the completion
5 of all closure actions at each military installation ap-
6 proved for closure or realignment under this title.

7 **SEC. 2908. CONGRESSIONAL CONSIDERATION OF COMMIS-**
8 **SION REPORT.**

9 (a) **TERMS OF THE RESOLUTION.**—For purposes of
10 section 2904(b), the term “joint resolution” means only
11 a joint resolution which is introduced within the 10-day
12 period beginning on the date on which the President trans-
13 mits the report to the Congress under section 2903(j),
14 and—

15 (1) which does not have a preamble;

16 (2) the matter after the resolving clause of
17 which is as follows: “That Congress disapproves the
18 recommendations of the Defense Base Closure and
19 Realignment Commission as submitted by the Presi-
20 dent on _____”, the blank space being
21 filled in with the appropriate date; and

22 (3) the title of which is as follows: “Joint reso-
23 lution disapproving the recommendations of the De-
24 fense Base Closure and Realignment Commission.”.

1 (b) REFERRAL.—A resolution described in subsection
2 (a) that is introduced in the House of Representatives
3 shall be referred to the Committee on Armed Services of
4 the House of Representatives. A resolution described in
5 subsection (a) introduced in the Senate shall be referred
6 to the Committee on Armed Services of the Senate.

7 (c) DISCHARGE.—If the committee to which a resolu-
8 tion described in subsection (a) is referred has not re-
9 ported such a resolution (or an identical resolution) by the
10 end of the 20-day period beginning on the date on which
11 the President transmits the report to the Congress under
12 section 2903(j), such committee shall be, at the end of
13 such period, discharged from further consideration of such
14 resolution, and such resolution shall be placed on the ap-
15 propriate calendar of the House involved.

16 (d) CONSIDERATION.—(1) On or after the third day
17 after the date on which the committee to which such a
18 resolution is referred has reported, or has been discharged
19 (under subsection (c)) from further consideration of, such
20 a resolution, it is in order (even though a previous motion
21 to the same effect has been disagreed to) for any Member
22 of the respective House to move to proceed to the consider-
23 ation of the resolution. A member may make the motion
24 only on the day after the calendar day on which the Mem-
25 ber announces to the House concerned the Member's in-

1 tention to make the motion, except that, in the case of
2 the House of Representatives, the motion may be made
3 without such prior announcement if the motion is made
4 by direction of the committee to which the resolution was
5 referred. All points of order against the resolution (and
6 against consideration of the resolution) are waived. The
7 motion is highly privileged in the House of Representatives
8 and is privileged in the Senate and is not debatable. The
9 motion is not subject to amendment, or to a motion to
10 postpone, or to a motion to proceed to the consideration
11 of other business. A motion to reconsider the vote by
12 which the motion is agreed to or disagreed to shall not
13 be in order. If a motion to proceed to the consideration
14 of the resolution is agreed to, the respective House shall
15 immediately proceed to consideration of the joint resolu-
16 tion without intervening motion, order, or other business,
17 and the resolution shall remain the unfinished business of
18 the respective House until disposed of.

19 (2) Debate on the resolution, and on all debatable
20 motions and appeals in connection therewith, shall be lim-
21 ited to not more than 2 hours, which shall be divided
22 equally between those favoring and those opposing the res-
23 olution. An amendment to the resolution is not in order.
24 A motion further to limit debate is in order and not debat-
25 able. A motion to postpone, or a motion to proceed to the

1 consideration of other business, or a motion to recommit
2 the resolution is not in order. A motion to reconsider the
3 vote by which the resolution is agreed to or disagreed to
4 is not in order.

5 (3) Immediately following the conclusion of the de-
6 bate on a resolution described in subsection (a) and a sin-
7 gle quorum call at the conclusion of the debate if re-
8 quested in accordance with the rules of the appropriate
9 House, the vote on final passage of the resolution shall
10 occur.

11 (4) Appeals from the decisions of the Chair relating
12 to the application of the rules of the Senate or the House
13 of Representatives, as the case may be, to the procedure
14 relating to a resolution described in subsection (a) shall
15 be decided without debate.

16 (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-
17 fore the passage by one House of a resolution of that
18 House described in subsection (a), that House receives
19 from the other House a resolution described in subsection
20 (a), then the following procedures shall apply:

21 (A) The resolution of the other House shall not
22 be referred to a committee and may not be consid-
23 ered in the House receiving it except in the case of
24 final passage as provided in subparagraph (B)(ii).

1 (B) With respect to a resolution described in
2 subsection (a) of the House receiving the resolu-
3 tion—

4 (i) the procedure in that House shall be
5 the same as if no resolution had been received
6 from the other House; but

7 (ii) the vote on final passage shall be on
8 the resolution of the other House.

9 (2) Upon disposition of the resolution received from
10 the other House, it shall no longer be in order to consider
11 the resolution that originated in the receiving House.

12 (f) RULES OF THE SENATE AND HOUSE.—This sec-
13 tion is enacted by Congress—

14 (1) as an exercise of the rulemaking power of
15 the Senate and House of Representatives, respec-
16 tively, and as such it is deemed a part of the rules
17 of each House, respectively, but applicable only with
18 respect to the procedure to be followed in that
19 House in the case of a resolution described in sub-
20 section (a), and it supersedes other rules only to the
21 extent that it is inconsistent with such rules; and

22 (2) with full recognition of the constitutional
23 right of either House to change the rules (so far as
24 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 **SEC. 2909. RESTRICTION ON OTHER BASE CLOSURE AU-**
4 **THORITY.**

5 (a) IN GENERAL.—Except as provided in subsection
6 (c), during the period beginning on the date of the enact-
7 ment of this Act, and ending on April 15, 2016, this title
8 shall be the exclusive authority for selecting for closure
9 or realignment, or for carrying out any closure or realign-
10 ment of, a military installation inside the United States.

11 (b) RESTRICTION.—Except as provided in subsection
12 (c), none of the funds available to the Department of De-
13 fense may be used, other than under this title, during the
14 period specified in subsection (a)—

15 (1) to identify, through any transmittal to the
16 Congress or through any other public announcement
17 or notification, any military installation inside the
18 United States as an installation to be closed or re-
19 aligned or as an installation under consideration for
20 closure or realignment; or

21 (2) to carry out any closure or realignment of
22 a military installation inside the United States.

23 (c) EXCEPTION.—Nothing in this title affects the au-
24 thority of the Secretary to carry out closures and realign-
25 ments to which section 2687 of title 10, United States

1 Code, is not applicable, including closures and realign-
2 ments carried out for reasons of national security or a
3 military emergency referred to in subsection (c) of such
4 section.

5 **SEC. 2910. DEFINITIONS.**

6 As used in this title:

7 (1) The term “Account” means the Department
8 of Defense Base Closure Account established by sec-
9 tion 2906(a)(1).

10 (2) The term “congressional defense commit-
11 tees” means the Committee on Armed Services and
12 the Committee on Appropriations of the Senate and
13 the Committee on Armed Services and the Com-
14 mittee on Appropriations of the House of Represent-
15 atives.

16 (3) The term “Commission” means the Com-
17 mission established by section 2902.

18 (4) The term “military installation” means a
19 base, camp, post, station, yard, center, homeport fa-
20 cility for any ship, or other activity under the juris-
21 diction of the Department of Defense, including any
22 leased facility. Such term does not include any facil-
23 ity used primarily for civil works, rivers and harbors
24 projects, flood control, or other projects not under

1 the primary jurisdiction or control of the Depart-
2 ment of Defense.

3 (5) The term “realignment” includes any action
4 which both reduces and relocates functions and civil-
5 ian personnel positions but does not include a reduc-
6 tion in force resulting from workload adjustments,
7 reduced personnel or funding levels, or skill imbal-
8 ances.

9 (6) The term “Secretary” means the Secretary
10 of Defense.

11 (7) The term “United States” means the 50
12 States, the District of Columbia, the Commonwealth
13 of Puerto Rico, Guam, the Virgin Islands, American
14 Samoa, and any other commonwealth, territory, or
15 possession of the United States.

16 (8) The term “date of approval”, with respect
17 to a closure or realignment of an installation, means
18 the date on which the authority of Congress to dis-
19 approve a recommendation of closure or realign-
20 ment, as the case may be, of such installation under
21 this title expires.

22 (9) The term “redevelopment authority”, in the
23 case of an installation to be closed or realigned
24 under this title, means any entity (including an enti-
25 ty established by a State or local government) recog-

1 nized by the Secretary of Defense as the entity re-
2 sponsible for developing the redevelopment plan with
3 respect to the installation or for directing the imple-
4 mentation of such plan.

5 (10) The term “redevelopment plan” in the
6 case of an installation to be closed or realigned
7 under this title, means a plan that—

8 (A) is agreed to by the local redevelopment
9 authority with respect to the installation; and

10 (B) provides for the reuse or redevelop-
11 ment of the real property and personal property
12 of the installation that is available for such
13 reuse and redevelopment as a result of the clo-
14 sure or realignment of the installation.

15 (11) The term “representative of the homeless”
16 has the meaning given such term in section
17 501(i)(4) of the Stewart B. McKinney Homeless As-
18 sistance Act (42 U.S.C. 11411(i)(4)).

19 **SEC. 2911. TREATMENT AS A BASE CLOSURE LAW FOR PUR-**
20 **POSES OF OTHER PROVISIONS OF LAW.**

21 (a) DEFINITION OF “BASE CLOSURE LAW” IN TITLE
22 10.—Section 101(a)(17) of title 10, United States Code,
23 is amended by adding at the end the following new sub-
24 paragraph:

1 “(D) The Defense Base Closure and Realign-
2 ment Act of 2012.”.

3 (b) DEFINITION OF “BASE CLOSURE LAW” IN
4 OTHER LAWS.—

5 (1) Section 131(b) of Public Law 107–249 (10
6 U.S.C. 221 note) is amended by striking “means”
7 and all that follows and inserting “has the meaning
8 given the term ‘base closure law’ in section
9 101(a)(17) of title 10, United States Code.”.

10 (2) Section 1334(k)(1) of the National Defense
11 Authorization Act for Fiscal Year 1994 (Public Law
12 103–160; 10 U.S.C. 2701 note) is amended by add-
13 ing at the end the following new subparagraph:

14 “(C) The Defense Base Closure and Re-
15 alignment Act of 2012.”.

16 (3) Section 2918(a)(1) of the National Defense
17 Authorization Act for Fiscal Year 1994 (Public Law
18 103–160; 10 U.S.C. 2687 note) is amended by add-
19 ing at the end the following new subparagraph:

20 “(C) The Defense Base Closure and Re-
21 alignment Act of 2012.”.

22 **SEC. 2912. CONFORMING AMENDMENTS.**

23 (a) DEPOSIT AND USE OF LEASE PROCEEDS.—Sec-
24 tion 2667(e) of title 10, United States Code, is amended—

1 (1) in paragraph (5), by striking “on or after
2 January 1, 2005,” and inserting “from January 1,
3 2005 through December 31, 2005,”; and

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

6 “(6) Money rentals received by the United States
7 from a lease under subsection (g) at a military installation
8 approved for closure or realignment under a base closure
9 law on or after January 1, 2006, shall be deposited into
10 the account established under section 2906 of the Defense
11 Base Closure and Realignment Act of 2012.”.

12 (b) REQUESTS BY PUBLIC AGENCIES FOR PROPERTY
13 FOR PUBLIC AIRPORTS.—Section 47151(g) of title 49,
14 United States Code, is amended by striking “section 2687
15 of title 10, section 201 of the Defense Authorization
16 Amendments and Base Closure and Realignment Act (10
17 U.S.C. 2687 note), or section 2905 of the Defense Base
18 Closure and Realignment Act of 1990 (10 U.S.C. 2687
19 note)” and inserting “a base closure law, as that term is
20 defined in section 101(a)(17) of title 10,”.

21 (c) RESTORED LEAVE.—Section 6304(d)(3)(A) of
22 title 5, United States Code, is amended by striking “the
23 Defense Base Closure and Realignment Act of 1990 (part
24 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687

1 note)” and inserting “a base closure law, as that term is
2 defined in section 101(a)(17) of title 10,”.

○